

# Public Document Pack



**TRAFFORD  
COUNCIL**

## **AGENDA PAPERS FOR EXECUTIVE MEETING**

**Date: Monday, 26 October 2020**

**Time: 4.00 p.m.**

**Place: Virtual Meeting**

**PLEASE NOTE: A link to the virtual meeting can be found below:  
<https://www.youtube.com/channel/UCjwblOW5x0NSe38sgFU8bKg>**

| <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>QUESTIONS FROM MEMBERS OF THE PUBLIC</b>   |              |
|                    | A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services ( <a href="mailto:democratic.services@trafford.gov.uk">democratic.services@trafford.gov.uk</a> ) by 4 p.m. on the working day prior to the meeting. Questions must be relevant to items appearing on the agenda and will be submitted in the order in which they were received. |              |
| 3.                 | <b>DECLARATIONS OF INTEREST</b>   |              |
|                    | Members to give notice of any interest and the nature of that interest relating to any item on the agenda in accordance with the adopted Code of Conduct.   |              |
| 4.                 | <b>MINUTES</b>  | 1 - 10       |
|                    | To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 28 <sup>th</sup> September 2020.  |              |

**5. MATTERS FROM COUNCIL OR OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)**

To consider any matters referred by the Council or by the Overview and Scrutiny Committees.

**6. APPROVAL TO COMPLETE A COMMUNITY ASSET TRANSFER (CAT) FOR GEORGE H CARNALL LEISURE CENTRE (GHC) WITH EFFECT 4TH JANUARY 2021** 11 - 36

To consider a report of the Executive Member for Culture and Leisure.  
[NOTE: A related report is to be considered in Part II of this agenda.]

**7. FAIR PRICE FOR CARE**

To consider two reports of the Executive Member for Adult Social Care:

- (a) Fair Price for Care: Homecare 2021- 22 37 - 48
- (b) Fair Price for Care for Older Peoples' Residential and Nursing Homes 2021-22 49 - 60

**8. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY - 2021 - 2026** 61 - 508

To consider a report of the Executive Member for Public Safety, Governance and Reform. (For recommendation to Council.)

**9. COUNCIL TAX SUPPORT (CTS) SCHEME FOR 2021/22** 509 - 512

To consider a report of the Executive Member for Finance and Investment.  
(For recommendation to Council.)

**10. PROGRESS REVIEW: RECOVERY UPDATE** 513 - 522

To consider a report of the Executive Member for Finance and Investment, for information.

**11. URGENT BUSINESS (IF ANY)**

Any other item or items which by reason of:-

- (a) Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chairman of the meeting, with the agreement of the relevant Overview and Scrutiny Committee Chairman, is of the opinion should be considered at this meeting as a matter of urgency as it relates to a key decision; or
- (b) 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.

**12. EXCLUSION RESOLUTION (IF REQUIRED)**

Motion (Which may be amended as Members think fit):

That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.

**PART II**

**13. APPROVAL TO COMPLETE A COMMUNITY ASSET TRANSFER (CAT) 523 - 562  
FOR GEORGE H CARNALL LEISURE CENTRE (GHC) WITH EFFECT 4TH  
JANUARY 2021**

To consider a report of the Executive Member for Culture and Leisure.  
[NOTE: A related report is to be considered in Part I of this agenda.]

**SARA TODD**  
Chief Executive

**COUNCILLOR ANDREW WESTERN**  
Leader of the Council

Membership of the Committee

Councillors A. Western (Chair), C. Hynes (Deputy Leader), S. Adshead, M. Freeman, J. Harding, E. Patel, T. Ross, J. Slater, G. Whitham and J.A. Wright.

Further Information

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

Jo Maloney, Governance Officer, 0161 912 4298  
Email: [joseph.maloney@trafford.gov.uk](mailto:joseph.maloney@trafford.gov.uk)

This agenda was issued on Friday 16<sup>th</sup> October 2020 by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

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## EXECUTIVE – VIRTUAL MEETING

28 SEPTEMBER 2020

### EXECUTIVE MEMBERS PARTICIPATING

Leader of the Council (Councillor A. Western)(in the Chair),  
Executive Member for Children’s Social Care (Councillor C. Hynes),  
Executive Member for Adult Social Care (Councillor J. Harding),  
Executive Member for Communities and Partnerships (Councillor G. Whitham),  
Executive Member for Culture and Leisure (Councillor E. Patel),  
Executive Member for Environment, Air Quality and Climate Change (Councillor S. Adshead),  
Executive Member for Finance and Investment (Councillor T. Ross),  
Executive Member for Health, Wellbeing and Equalities (Councillor J. Slater),  
Executive Member for Housing and Regeneration (Councillor J. Wright),  
Executive Member for Public Safety, Governance and Reform (Councillor M. Freeman).

Also virtually participating: Councillors Acton, Dr. Barclay (part only), Bennett, Boyes, Brotherton, Butt, Carter, Coggins, Evans, Haddad, Holden, Jerrome, Lamb, Morgan, Myers, Newgrosh, Thompson, Welton, D. Western, Williams and Young.

### Officers virtually in attendance:

Chief Executive (Ms. S. Todd),  
Corporate Director, Place (Ms. R. Roe),  
Corporate Director, Finance and Systems (Ms. N. Bishop),  
Corporate Director, Governance and Community Strategy (Ms. J. Le Fevre),  
Corporate Director, People (Ms. S. Saleh),  
Corporate Director, Adult Services (Ms. D. Eaton),  
Deputy Director of Finance (Mr. G. Bentley),  
Senior Strategic Growth Officer (Mr. D. Cutting),  
Senior Governance Officer (Mr. I. Cockill),  
Governance Officer (Mr. J.M.J. Maloney).

## 153. QUESTIONS FROM MEMBERS OF THE PUBLIC

It was reported that four questions had been received, as set out below, all in relation to Agenda Item 9, Sale Moor and Hale Place Plans. Questions 1, 2 and 4 related broadly to process issues; Question 3 related to specific technical details of the proposals.

### Question 1

The community of Hale would like to question why Trafford Council is adding to the anxiety, resulting from these unprecedented times of a global pandemic, of the Hale Community by wanting to proceed with the Hale Village Place Plan, despite multiple inaccuracies and many changes since the initial consultations, and with the added insult of the community not being listened to or having taken into

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account the various consultations & documentation provided by other stakeholders, local businesses & the wider community.

Denise Laver Chairman Hale Civic Society

### **Question 2**

'Why is Trafford Council behaving in such an undemocratic way to force through a deeply unpopular plan for Hale, that is likely to damage the village beyond measure, in a time of such unprecedented crisis and change?

Bill Clark. Managing Director. Clark Art Ltd 155, Ashley Road Hale

### **Question 3**

1. Residents keep telling me they are worried about road safety in Hale. The Hale plan removes a signalled pelican crossing and replaces it with the sort of confusing crossings we have on Stamford New Road. Why has this choice been made when these crossing points have created a lot of difficulties in Altrincham. They cause confusion about who has right of way and issues with accessibility? What equality impact assessment has been done, and will use of textile paving and other accessibility features comply with all relevant international/national standards?

2. We need to support our local businesses by giving people choices about how they get around their area and move freely. On p38 of the Hale plan under the movement objectives it states 'To support the improvement of accessibility to and within the centre for pedestrians and cyclists and to encourage sustainable means of transport'. Why in the detailed objectives or the rest of the plan are there no proposals to create segregated cycle ways?

3. In November 2018 Trafford Council declared a climate emergency whereby the council to consider the Climate Emergency impact of each area of the Council's activities. Given that commitment, why do the Hale and Sale Moor Place Plans not have the need to create a development that supports action on climate change as a central purpose?

Jane Leicester Chair of Trafford Green Party

### **Question 4**

"Why have the Executive Council failed to warn, advise, inform, allow consultation or allow any input into this ill conceived Place Plan for the Village of Sale Moor.

The Village of Sale Moor and all its Businesses are horrified by the underhanded and covert action that is taking place without our Knowledge and we are asking WHY are behaving in this covert manner?"

We would deeply appreciate your input and directions as to what we can now do and we await your instructions therefore as a matter of great concern and urgency. We are all of us absolutely dismayed by your underhanded approach on this especially as we have already been told by Damien Cutting, in Late March, that a further consultation that would have taken in all our concerns and fears and indeed common sense that we all contribute during the initial proposals.

Richard Jojo For the Sale Moor Village Association

*Executive (28.9.20)*

It was agreed that responses to these questions would be provided as part of the discussion of the relevant agenda item. (Minute 160 below refers.)

RESOLVED – That the content of the questions, and the responses to be provided under Minute 160 below, be noted.

**154. DECLARATIONS OF INTEREST**

No declarations were made by Executive Members.

**155. MINUTES**

RESOLVED – That the Minutes of the meeting held on 20<sup>th</sup> July 2020 be approved as a correct record.

**156. MATTERS FROM COUNCIL OR OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)**

It was noted that there were no items to be reported to the current meeting.

**157. TRAFFORD CLIMATE EMERGENCY PROGRESS REPORT**

The Executive Member for Environment, Air Quality and Climate Change submitted a report which provided an update on progress since the Council's Climate Emergency Declaration of 28<sup>th</sup> November 2018 and the report and recommendations of the Scrutiny Committee Task and Finish Group for Climate Change. It also described a Carbon Neutral Framework produced via consultants Anthesis, proposed new working and governance arrangements and the proposed scope and content of a Draft Trafford Carbon Neutral Action Plan. In discussion Members noted that this work represented the beginning of a challenging agenda, with further action to be undertaken on the issues now set out.

RESOLVED -

- (1) That the progress on the recommendations made by the Climate Emergency Scrutiny Committee Task and Finish Group be noted.
- (2) That the progress made by the Council on implementing climate change measures in the borough be noted.
- (3) That the Trafford Carbon Neutral Framework Report produced by Anthesis be noted and that its publication on the Council's website be agreed.
- (4) That approval be given to the proposed governance arrangements through the expansion of the existing Trafford Air Quality Commission into a Trafford Air Quality and Climate Change Commission.
- (5) That approval be given to the initial Draft Carbon Neutral Action Plan, with a final draft and update to be brought back to Executive in December 2020.

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## 158. GREATER MANCHESTER'S CLEAN AIR PLAN - CONSULTATION UPDATE

The Executive Member for Environment, Air Quality and Climate Change submitted a report which set out progress that had been made on the development of Greater Manchester's Clean Air Plan following the decision that the GM Local Authorities will move to a statutory public consultation on the GM Clean Air Plan as soon as reasonably practicable in light of COVID-19 restrictions, and the link to the consultation on taxi and private hire common Minimum Licensing Standards. It also considered the formal governance mechanisms that will underpin the delivery of a GM Clean Air Zone (CAZ) and the supporting measures. It did not seek a decision on whether to introduce a scheme, as that has been mandated by the Secretary of State. It set out a position for consultation on the daily charge, discounts and exemptions of a Category C GM Clean Air Zone, and the proposals for the supporting funds that had been developed taking stakeholder engagement and statistical modelling into account. It sought agreement to consult and endorsement of the policy for consultation, which would be reviewed in line with the findings from the statutory consultation.

An opportunity was provided to Members to raise issues in relation to the report's content. These included: the statutory nature of the process and the Government's stance on the impact of the Covid-19 pandemic; the approach being adopted by certain other local authorities; and the question of reduced speed limits, which was being taken forward in other current workstreams.

RESOLVED -

- (1) That the progress of the Greater Manchester (GM) Clean Air Plan be noted.
- (2) That it be noted that Transport for Greater Manchester (TfGM) have confirmation that the funding award for Bus Retrofit should be distributed as soon as possible as per arrangements put in place for the Clean Bus Technology Funds.
- (3) That the update on the possible impacts of COVID-19 on the GM Clean Air Plan be noted.
- (4) That it be agreed that Trafford along with the other nine GM local Authorities hold an 8-week public consultation on the GM Clean Air Plan commencing in October 2020.
- (5) That it be noted that the GM local Authorities intend to consult on GM's proposed Minimum Licensing Standards, alongside the Clean Air Plan consultation.
- (6) That it be noted that Trafford also intends to consult on Trafford's proposed Hackney Carriage and Private Hire Licensing Policy in parallel with the consultations on the Clean Air Plan and GM Minimum Licensing Standards.



*Executive (28.9.20)*

- (7) That it be agreed that TfGM act as the Operating Body for the GM Clean Air Zone (CAZ) and supporting measures as set out at paragraph 8.5 of the report.
- (8) That it be agreed that Trafford along with the other nine GM Authorities individually be a 'charging authority' for the purposes of the CAZ, pursuant to the Transport Act 2000.
- (9) That the GM Clean Air Plan Policy for Consultation at Appendix 3 to the report be endorsed.
- (10) That the Equalities Impact Assessment on the Clean Air Plan, as set out at Appendix 5 to the report, be noted.
- (11) That it be noted that further reports will be brought forward to set out the formal governance mechanisms that will underpin the delivery of a GM Clean Air Zone (CAZ) and the supporting measures, including the full scope of the suite of powers that will be needed to be delegated to the Operating Body.
- (12) That a delegation be agreed to the Corporate Director, Place to approve the submission of the cases for measures to the Government's Joint Air Quality Unit to support the GM Clean Air Plan.
- (13) That a delegation be agreed to the Corporate Director, Place to approve the GM Clean Air Plan consultation materials, to include the Equalities Impact Assessment on the consultation.
- (14) That it be noted that a response to Department for Transport's (DfT's) Decarbonising Transport – setting the challenge, as set out at Appendix 1 to the report, has been submitted to Government.
- (15) That, for the reasons set out in the report, this decision should be considered to be urgent and therefore not subject to call in.

**159. CROSSFORD BRIDGE, SALE**

The Executive Member for Culture and Leisure submitted a report further to the consideration in June 2020 by the Executive of a report regarding Sale Sharks' vision and ambition to return to their hometown of Sale, and their proposals for the creation of a new community sports and activity hub at Crossford Bridge. The Executive had noted that the proposal would be subject to engagement with the local community, and that a further report would be brought to Executive on the conclusion of the initial phase of engagement. The current report set out the conclusions of the first phase of engagement. In discussion, thanks were expressed to all participants, including Sale Sharks, for their meaningful engagement with the consultation; and the Executive's ambition was emphasised to secure enhanced investment in an open and transparent manner.

RESOLVED –

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- (1) That the extensive engagement carried out with local residents be noted.
  - (2) That the conclusion be noted that the local engagement phase one consultation did not demonstrate a clear balance of support for the proposals from residents or current users of Crossford Bridge.
  - (3) That it be note that on the basis of the results of the engagement programme to date the Council is not minded to support the proposal.

## **160. SALE MOOR AND HALE PLACE PLANS**

The Executive Member for Housing and Regeneration submitted a report which presented for approval the Sale Moor and Hale Place Plans, which had been developed with the involvement of the local community, businesses and stakeholders and which identified opportunities to improve both centres for those who live, work, visit and spend time there. The Place Plans would assist in ensuring both centres met their full potential and support the recovery from the Covid-19 pandemic; and would be a material consideration in the determination of planning applications in the centres and will sit alongside the Council's Core Strategy and support preparation and delivery of the emerging Trafford Local Plan.

As reported earlier in these Minutes (Minute 153 refers), four public questions had been received in relation to this item; and the discussion commenced with the Executive Member for Housing and Regeneration and the Leader of the Council responding to those questions, as set out below.

### **Response to Question 3:**

Point 1: The crossing points on Stamford New Road were completed in Spring 2017. Following implementation of these crossings, there were some initial enquiries relating to how they worked but since then there have been no enquiries received by the Council's Highways team in relation to the crossings. The Council are also not aware of any injuries or accidents relating to anyone using the crossings and notes that they have resulted in a slight reduction in vehicle speed on Stamford New Road. The crossing proposed in Hale would not necessarily be designed in the same way as those on Stamford New Road and would be subject to a full and detailed design process, including assessment of their impact and compliance with all relevant standards.

Point 2: As part of the process of preparing the Plan, the option of providing a segregated cycle lane was explored and a number of possibilities in regards to cycling facilities have been discussed with the local community and key stakeholders in the area. However, in order to ensure that we retain the same number of parking spaces in the centre of Hale (which is one of the key messages the team heard from some of the local community and businesses), to ensure that pavements are wide enough and safe for people walking around the centre and to ensure that businesses have enough space to have seating outdoors to enable to comply with social distancing, at present, a dedicated cycle lane would not be feasible. A number of safe and appropriate cycling facilities are considered

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appropriate in the Plan such as those included as part of the Parklet idea on Page 52 of the Place Plan, and additional cycle parking facilities.

Point 3: As related to the previous agenda items on the Trafford Climate Emergency Progress Report and Greater Manchester's Clean Air Plan, the Council is committed to ensuring that any development proposed will support Trafford in reducing its carbon emissions to meet Climate Emergency, GM and Government targets and commitments on carbon neutrality. Any future formal, detailed schemes which follow on from the Place Plans will need to adhere to the Council's adopted policies in this regard. The Place Plans will help deliver the Council's climate change / low carbon agenda by supporting more sustainable modes of travel, better use of existing land resource and promotion of development in sustainable urban locations.

**Response To Questions 1, 2 & 4:**

A summary of the responses made by Executive Members at the meeting and the factors on which they were based are set out below.

**Hale:**

The Hale Place Plan commenced in July 2019. From the very beginning, we have striven to ensure that the process in preparing the Plan is inclusive. We are confident that we achieved a collective response from all members of the local community. The consultant team, led by Nexus Planning, produced an Engagement Strategy detailing how and when people would be consulted with regard to formulating proposals and considering what the overall Vision and Objectives were from the outset. Overall, the aim was to have a Plan in place that would make Hale a great place to visit, for businesses to thrive and to improve movement in and around the centre. In respect of a timeline of engagement, the following should be noted:

**August 2019**

- Press release issued asking for people's views on what they wanted Hale to look like in the future and asked local people to identify issues and opportunities.
- Letters were written and hand delivered to individual businesses in Hale in order to promote the consultation and ensure their involvement.
- Local ward members were invited to a meeting at The Mercure Hotel, Wednesday 3rd July to brief them on the nature and scope of work being undertaken.
- The initial consultation period ran from 8th August to 20th September 2019 and surveys were publicised via online sources, the Council's website and social media accounts, circulation by local community groups and organisations and through hand-delivery within the village itself.
- In total, 516 local community surveys were completed in Hale from both the businesses and residents. This large number of responses was attributed to the efforts of all involved in publicising the consultation to ensure as many people as possible were aware of it. An explanation has been provided in the report as to why it appears there were a low number of business responses. Many businesses told us they completed the resident survey instead – and this was explained by Denise Laver at the time.

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- As car parking had been raised as a possible issue early on, a car parking survey was instructed and undertaken by WSP consultants.

#### October/November 2019

- Throughout October and November, Council officers and the consultant team held meetings with stakeholders including the owner of the Ashley Hotel, Forward Property Group and other key stakeholders. In addition, Nexus Planning and Council officers had approximately 20 telephone conversations with Denise Laver on behalf of the Hale Civic Society to discuss any concerns she had with the Plan which from what we could see were mainly related to parking.
- A number of stakeholders were identified which included residents, local businesses and organisations along with members from Hale Central and adjoining wards. These identified stakeholders were invited to a meeting at the Bowling Club in Hale on 20/10/19 to go through some of the findings of the initial consultation work and to discuss some of the early thought around what the Plan might include. Attendees at the event included ward local ward Councillors, business and organisations including Denise Laver on behalf of the Hale Civic Society.

#### January/February 2020

- A public consultation on the draft Place Plan for Hale was undertaken between 14th January and 11th February.
- A permanent exhibition space was set up in Hale Library including boards and hard copies which were replenished regularly.
- A survey was publicised locally digitally and in person asking for people's views on the draft proposals and findings of the consultation so far. There were 132 responses to the survey in total.
- A special exhibition event was hosted on Saturday 1st February at Hale Bowling Club. The event was publicised via social media, Council website and posters were put up in public places and a number of local businesses in Hale. There were approximately 100 attendees.

#### September 2020

Final Place Plans issued to all stakeholders and ward members for information only ahead of Executive on 28 September.

The draft Place Plans contained options for proposals around the clock tower, Ashley Road and the bowling Club. Preferred options for some proposals including the clock tower and bowling green have been included in the final Place Plans which have been amended and developed in light of comments arising at the consultation stage. However, having a vision and plan in place is the first step to attracting both the public and private investment necessary to deliver elements of the Place Plan for Hale.

#### **Sale Moor:**

With regard to suggestion that the Council has not allowed any consultation on the Sale Moor Place Plan, this is demonstrably not the case and indeed Mr. Jojo himself attended one such consultation event. Mr. Jojo was clearly aware of this event in order to attend it and engaged in the process in the admittedly somewhat less than constructive way in which he did, from feedback received from officers

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and Councillors present; I do not see how it can possibly be argued that the Council failed to warn, advise, inform or allow input into the Plan and I particularly object to the suggestion that this has been dealt with in an underhanded way, as per Mr. Jojo's comments in his question.

In the Sale Moor consultation we went above and beyond that originally planned in terms of engagement with the community with additional weekend meetings to increase awareness. Businesses had letters hand delivered to them to make them aware and posters were put up in a number of units in the village. The initial consultation yielded 317 responses from the community. Further consultation was held on 1st February at Sale Moor Methodist Church, attended by more than 300 people, again suggesting a reasonably high level of awareness. As with the Hale Place Plan, all identified stakeholders were sent a copy of the final plan in advance of this meeting, so again I would reject Mr. Jojo's assertion that this has been dealt with in an underhand way, or indeed in some sort of covert action.

Overall I am confident that the process followed throughout has been robust in the case of both of these plans and I would like to thank the officers involved in this work, in particular Damien Cutting. With specific reference to the suggestion within Mr. Clark's question that this has been a somehow undemocratic process, we have not only followed the usual democratic route for this decision making within the Council on this item, but have done so after extensive public consultation, engaging with hundreds of local residents and stakeholders. I reject the suggestion therefore that this is undemocratic or indeed that communities of Hale and Sale Moor have been ignored simply because some within the community do not agree with the content of the plans. No plan such as this would ever carry 100% of support in the locality concerned but this does not in any way mean that the views of the community have not been taken into consideration; and indeed we can clearly evidence where this has happened within the final versions that sit before Members this evening. That concludes the response to the public questions.

An opportunity was then provided for Members to discuss issues arising from the report; and discussion centred on the subjects referred to in the public questions. These were in particular perceptions of the sufficiency of consultation undertaken and its impact on the proposals now presented; the timing of the decision; and a range of traffic-related queries on the Sale Moor plan. On the latter point, it was agreed that the Council's Traffic team would respond in detail outside the meeting. Members were advised of correspondence relating to a potential legal challenge; and that the Monitoring Officer had been consulted on the matter and took the view that proceeding to a decision would be a robust and lawful course of action.

**RESOLVED -**

- (1) That the Sale Moor and Hale Place Plans be approved.
- (2) That the Action Plans for Sale Moor and Hale be approved and that the measures identified to improve both District Centres be explored.
- (3) That the main improvement areas identified in the Sale Moor and Hale Place Plans be agreed.

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## **161. CORPORATE PLAN 2020/21 QUARTER 1 REPORT AND PLAN**

The Executive Member for Public Safety, Governance and Reform submitted a report which provided a summary of performance against the Council's Corporate Plan, 2020/21, covering the period 1<sup>st</sup> April 2020 to 30<sup>th</sup> June 2020. The Executive Member advised that the Corporate Plan on a Page had been reviewed following the first year of the Corporate Plan, and drew attention to recommendations to enhance it for the next 12 months.

RESOLVED –

- (1) That the content of the Corporate Plan Quarter 1 Report be noted.
- (2) That the proposed changes to the plan be agreed as set out in paragraphs 4.4 and 4.5 and Appendix 2 to the report.

## **162. BUDGET MONITORING 2020/21 PERIOD 4 (APRIL - JULY 2020)**

The Executive Member for Finance and Investment and the Corporate Director of Finance and Systems submitted a report which informed Members of the current 2020/21 forecast outturn figures relating to both Revenue and Capital budgets. It also summarised the latest forecast position for Council Tax and Business Rates within the Collection Fund. Members were provided with an update on the proposed deployment of the Brexit transitional grant, and an opportunity was provided for questions more broadly to be raised on the report's content. These focussed on the implications of shortfalls in Council Tax collection; the help being provided to businesses in the context of a recent high profile company administration; and a specific enquiry related to the Land Sales Programme.

RESOLVED –

- (1) That the updated positions on the revenue budget, collection fund and capital programme be noted.
- (2) That the level of design fees on the regeneration scheme at the former Sale Magistrates Court as detailed in Paragraph 35 of the report be noted.

The meeting commenced at 4.00 p.m. and finished at 5.40 p.m.

## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 26 October 2020  
**Report for:** Decision  
**Report of:** Executive Member for Culture and Leisure

### Report Title:

Approval to complete a Community Asset Transfer (CAT) for George H Carnall Leisure Centre (GHC) with effect 4<sup>th</sup> January 2021 – Part I

### Summary:

This report sets out the background to the GHC Leisure Centre following previous reports to the Executive noting the decision of Trafford Leisure to close the facility once the redevelopment of Move Urmston is complete and a report on the proposed CAT and agreement to have a transition period between April 2020 and September 2020.

The report sets out the current position, the interest from a local community group, George Carnall Community Group Community Interest Company (GCCG) which is a private company limited by guarantee without share capital to manage the centre in the long term.

The report also sets out the risks and responsibilities highlighted for both Trafford Council and the GCCG.

### Recommendation(s):

That the Executive;

- 1) Approve the proposed disposal of the George H Carnall Leisure Centre (“GHC”) to the George Carnall Community Group (“GCCG”) as a Community Asset Transfer (CAT) by way of 2 leases, one of the area shaded blue on the plan and one of the area shaded red on the plan (Appendix A) subject to:
  - I. The Executive note the attached business plan (Part II) at this time that is developing in the context of Covid19 and supporting evidence for the future operation of GHC by GCCG;
  - II. The Executive agreeing that Trafford Council & GCCG will be responsible for the risks highlighted;
  - III. The completion of leases between Trafford Council and GCCG as set out in this report; and
  - IV. Agreeing the red line boundary for the leases as highlighted in (Appendix A)
- 2) Agree to fund the immediate work required to transfer GHC in a fit for purpose

state of £23,500 from with the current capital programme.

- 3) Agree to fund major works on the site in line with the current processes for maintaining buildings that are Council assets managed by other groups for a maximum of two years until 31<sup>st</sup> December 2022 by application up to £50k p.a.
- 4) Delegate authority to the Corporate Director of Place, in consultation with the Corporate Director of Finance and Systems and the Corporate Director for Governance and Community Strategy to agree the terms of the proposed leases.
- 5) Delegate authority to the Corporate Director of Governance and Community Strategy to complete the leases and any other documents necessary to implement the decision of the Executive Committee.
- 6) Agree a loan facility to GCCG of up to £96,000 as working capital to recruit and pay staff at the centre as well as procure and have installed appropriate ICT systems and pay utilities as detailed in the GCCG business plan. The agreement of final terms of the facility to be delegated to the Corporate Director of Place in consultation with the Corporate Directors of Finance and Systems and Governance and Community Strategy.
- 7) Agree that the GCCG business plan is not competition for Move Urmston, as set out in section four of the Community Asset Transfer Position Statement document, agreed by the Executive in June 2013.
- 8) Agree to the disposal of GHC at undervalue.

Contact person for access to background papers and further information:

Name: Chris Jennings, Senior Business Change Manager

Extension: 07890 599557

Background Papers: None

**Implications**

|   |   |
|---|---|
| Relationship to Policy Framework/Corporate Priorities | Corporate Plan – Priority 2 Health and Wellbeing.<br><br>This project is using the policy agreed by the Trafford Council Executive in June 2013 relating to Community Asset Transfer. |
| Relationship to GM Policy or Strategy Framework       | None  |
| Financial   | Capital expenditure to meet short term condition works and improvements to seating of £23,500 – to be met from the leisure centre major   |



|                           |   |
|---------------------------|---|
|                           | <p>maintenance budget in the capital programme, scheme reference 2861.</p> <p>It is also proposed to provide an element of capped support for a period of two years from the date of transfer to cover any other significant capital maintenance works, which are capital in nature and on an individual basis more than £10,000. There will be a cap of £50,000 on these works per year and will be financed from within the capital programme, scheme reference 2861, or by the making of a new capital bid and subject to resource availability.</p> <p>A review of the business plan of GCCG has highlighted that the current projection for year one is a slight loss and for years two and three a slight surplus. There are a number of areas within the model that currently do not offer the level of robustness to ensure that this is a deliverable model and further work will need to be undertaken to secure more permanent and sustainable income streams. To support GCCG it is proposed to provide a cash limited soft loan facility of up to £96,000, the terms of which will be agreed by the Corporate Director of Place in consultation with the Corporate Director of Finance and Systems. This will be financed from the general contingency budget.</p> |
| <p>Legal Implications</p> | <p>Consideration will need to be given to the interest proposed to be transferred to GCCG and to the nature and extent of the rights, liabilities and obligations being passed on to GCCG and those which will be retained by the Council.</p> <p>Consideration will be required as to safeguarding the council's position in the event that GCCG is unable or unwilling to continue to manage GHC as a community facility.</p> <p>The Council may authorise a disposal at undervalue in breach of its requirement under s123 Local Government Act 1972 to obtain best value where the undervalue is less than £2m and provides a social, economic or environmental benefit to the local community</p>  |

|  |  |
|--|--|
| Equality/Diversity Implications                    | <p>GHC is located in the Davyhulme East ward. When compared to the rest of Trafford it has a lower percentage of the age group 0 – 44 and 6.1% are of a non-white ethnic background.</p> <p>The GCCG directors are not currently a diverse group in terms of age and ethnicity.</p>  |
| Sustainability Implications                        | <p>The sustainability implications in terms of the environment are not known at this time.</p>   |
| Resource Implications e.g. Staffing / ICT / Assets | <p>The GCCG will need to provide staffing, ICT and infrastructure for GHC if they complete a CAT of the site.</p> <p>The GCCG will also have to provide ICT and potentially assets for the facility if they complete a CAT of the site.</p> <p>Trafford Council would need to dedicate some resource to support and manage the CAT in terms of project management, Finance, Legal and Estates.</p> <p>The formal process of CAT is managed by the One Trafford Partnership’s Estates Team.</p> <p>There will also be an ongoing resource requirement from Trafford Council in terms of managing the agreement, reviewing the health and wellbeing outcomes, and the repayment of proposed loan with monthly trading and performance reviews.</p> |
| Risk Management Implications                       | <p>Effective management of risks is an essential part of good governance and as such Trafford Council have a Risk Management Strategy. The principle of proactively managing risk will be part of this proposed CAT and risks will be reviewed as part of the Leisure Project Board as part of the governance of this proposal.</p>  |
| Health & Wellbeing Implications                    | <p>GHC is located in the Davyhulme East ward.</p> <p>When compared to the rest of Trafford it has a relatively low percentage of obese reception age children (7.2%) and a relatively high percentage of obese year six children (17.9%) and adults (24.3%). Therefore if the proposed CAT is completed, this will be a key area for the GCCG to</p>   |

|                                |   |
|--------------------------------|---|
|                                | <p>tackle.</p> <p>The healthy life expectancy (HLE) and life expectancy (LE) of people in the Davyhulme East ward is:</p> <p>Female: HLE = 66.1 Vs LE = 83.9. Therefore the gap is 17.8 years</p> <p>Male: HLE 64 Vs LE = 81. Therefore the gap is 17 years. The gap in Bowdon ward as a ward that has a smaller gap and a high life expectancy is:</p> <p>Female = 13.7 years</p> <p>Male = 13.4 years.</p> <p>Therefore if the proposed CAT is completed this health inequality would be a key area for the GCCG to tackle.</p> |
| Health and Safety Implications | <p>It is envisaged that the GCCG would be responsible for the health and safety aspects relating to the use of the site / building within the red line as set out within this report.</p>   |

## **1 Background**

- 1.1 In March 2020 the Executive approved in principle the CAT of GHC to GCCG with a transition period of six months whereby Trafford Leisure would support the management of GHC with GCCG supporting and learning over the period.
- 1.2 The decision was subject to a number of items as detailed in the March 2020 Executive report which this report sets out to respond.
- 1.3 Shortly after the Executive meeting, Trafford Council moved into a focused phase of responding to the initial impact of Covid-19. Therefore the financial support agreed by the Executive of £95,000 was not used as all leisure centres were closed.
- 1.4 Trafford Leisure have continued to provide a facilities management service to the NHS team located in the building as well as an additional NHS team who located to this building during the Covid-19 response phase.
- 1.5 Specifically as a result of Covid 19 Trafford Council is now in significantly more challenging financial position than in March 2020.
- 1.6 November 2016 – The Council Executive agreed to a consultation on the proposed closure of GHC as part of the wider proposed leisure investment.
- 1.7 September 2017 – The Council Executive approved the investment in Urmston Leisure Centre and advised that a separate report would be presented on the future of GHC.
- 1.8 This Executive report included a capital receipt of £1.5m from the sale of GHC to part fund the investment into the refurbishment of Urmston Leisure Centre.
- 1.9 October 2018 – The Council Executive noted that Trafford Leisure would close GHC on the completion of the redevelopment of Urmston Leisure Centre and that the Urmston Leisure Centre business plan would be impacted if GHC remained an operational leisure centre.
- 1.10 A consultation was undertaken by Trafford Council in May 2019. The public consultation demonstrated that the immediate community wanted to keep GHC open as an operational community / leisure centre as well as continuing with the health services currently provided from GHC.
- 1.11 An ongoing conversation commenced with a community group, GCCG, who expressed a desire to keep GHC open as an operational community / leisure centre and who were subsequently invited to explore the potential for taking a Community Asset Transfer (CAT) of GHC.
- 1.12 The Council believe that the proposal has the potential to enable a community run facility to be established which would complement the current leisure strategy with associated risks and costs as well as support current leisure and public health ambitions.

## 2 Current Position

- 2.1 GCCG has been established as a Community Interest Company which is registered with Companies House as 'George Carnall Community Group.'
- 2.2 GCCG has developed an initial business plan (See Part II) which, is mindful of the evolving impact of Covid 19 on the leisure industry in particular.
  - 2.2.1 GCCG's aims are to deliver a sustainable social enterprise, providing sports and leisure facilities for the local community of Davyhulme and the wider borough of Trafford via a number of objectives including;-
  - 2.2.2 Delivering a programme of health and wellbeing activities.
  - 2.2.3 Creating social cohesion and resilient communities that support people to improve their own lives.
  - 2.2.4 Reducing the reliance on public services, for example addressing health and wellbeing through community activity.
  - 2.2.5 Offering services which support people of all ages to engage in physical activities.
  - 2.2.6 Ensuring the sustainability of the community building.
  - 2.2.7 Collaboration with key partners to deliver services and facilities without duplicating existing provision where possible.
- 2.3 There are a number of Manchester Foundation Trust (MFT) teams that currently work from GHC including an Outpatients, Pulmonary, Specialist Weight Management and Neurological Rehabilitation teams.
- 2.4 The work that these teams undertake had a very close link to the work undertaken by Trafford Leisure who had staff specifically trained in supporting ongoing rehabilitation.
- 2.5 These MFT teams have considered moving these services to Stretford Leisure Centre and Sale Leisure Centre and this is currently under strategic review.
- 2.6 During the initial Covid-19 response phase, a further NHS team moved in to GHC. This team are a telephone based 'contact centre' who are subject to borough wide response to Covid- 19.
- 2.7 Trafford Council commissioned a condition survey on the GHC building which highlighted circa £23.5k worth of immediate work to ensure that the building remained operational in the short term.
- 2.8 Additional immediate capital works have also been identified for car park and parts of the roof. However, surveys would need to be completed to clarify final costs and responsibilities.
- 2.9 There will be maintenance requirement in relation to GHC that is to be capped at £50k p.a. subject to formal application per individual item over £10k for a maximum of two years This would be the Council's responsibility and funding

needs to be found within the Council's budget prior to the CAT being completed.

2.10 The conditional survey (Amey, December 2019) identified a potential £1.4m worth of work in the medium term subject to wear and tear. The Executive Summary to the condition survey can be found in Appendix B and the summary costs can be found in Appendix C. The site liability would be the responsibility of the GCCG going forward.

2.11 The centre has not been open as a leisure centre since March 2020.

### **3 Other Examples Of Community Asset Transfer**

3.1 There are a number of examples of CAT in terms of leisure centres and desktop research has highlighted the below examples of CAT in two different locations with different levels of financial independence from local authorities.

3.2 The CAT of Withington Baths to the group "Love Withington Baths" appeared financially viable, prior to Covid19, with the group reporting that they have run the facility without financial support from Manchester City Council.

3.3 The proposal from Manchester City Council included the closure of Withington Baths and the building of a new leisure centre around a mile away at Hough End Fields.

3.4 Withington Baths is an Edwardian building based in Withington which now has two studios, a fitness suite, a treatment room and pool as well as a co-working space. The Love Withington Baths group state that the centre has over 1200 members, many of whom walk to the centre.

3.5 Harlech Leisure Centre in North Wales is run by the social enterprise Harlech and Arduwy Leisure, has ensured that a leisure centre is available to the local community and has also been successful in adding an additional climbing wall facility through external funding to the swimming pool and community café.

3.6 The leisure centre has however been financially supported by the local councils since the social enterprise started to run the facility.

### **4 The Case for a Community Asset Transfer (CAT)**

4.1 Positives in relation to the proposed CAT are captured in the GCCG business plan and revised figures as well as in the consultation in relation to GHC.

4.2 In terms of the consultation that took place, over 99% of the 500 responses received wanted the centre to remain open as a leisure centre showing strong level of community support. The group themselves, state that they received over 5000 message of support in terms of their aim to keep GHC open.

- 4.3 The key advantages of keeping GHC open that were highlighted by the responses to the consultation focused on the flexibility of the sports hall space and accessibility of the facility in terms of public transport and car parking provision.
- 4.4 The health and wellbeing benefits of the centre also came through as key beneficial aspects of keeping GHC in the consultation, especially the community aspect of the facility and the benefits for the local community.
- 4.5 With GHC being the current base for the local NHS rehabilitation services, this was identified as key for the wider community as well as having the wider leisure centre facilities for patients to use to further aid their rehabilitation post rehabilitation service provision.
- 4.6 The GCCG business plan details the objectives of the group and shows the potential for a community run facility at GHC.
- 4.7 Some of these potential benefits include improved social cohesion and resilience of the local community from the opportunity to improve their lives using the facilities at GHC to support both their physical and mental health.
- 4.8 This potential improved level of resilience could also help to reduce the strain on other public services by improving the general health and wellbeing of the local population. This is a well-known concept and can be highlighted by the current situation in relation to Covid-19 and people with poorer health being more vulnerable to the impacts of Covid-19.
- 4.9 A negative of this proposed CAT is the competition that it may generate for Move Urmston which disregards section four of the Community Asset Transfer Position Statement document, agreed by the Executive in June 2013.
- 4.10 The GCCG believe that there is plenty of demand to ensure that this facility is not competing with Move Urmston and as stated in the public consultation in relation to GHC, some customers struggled to get on classes and customers stayed up until 00:01 to ensure that they could book on to classes.
- 4.11 The principle of the GCCG is to develop a community focused facility at GHC which will compliment Move Urmston. The activities would be marketed in a local manner and focus on improving health and wellbeing in areas of need. This could result in introducing resident to a more active lifestyle in a complimentary way that works with Move Urmston.

## **5 Financial Considerations**

- 5.1 Building condition – there are a number of capital maintenance requirements at the property in both the immediate and medium term. It is proposed that the Executive agree to cover the immediate works to a value of £23,500 and finance this from within the capital programme, scheme ref 2861. It is also proposed to provide an element of capped support for a period of two years from the date of transfer to cover any other significant maintenance works,

which are capital in nature and on an individual basis more than £10,000. There will be a cap of £50,000 on these works per year and will be financed from within the capital programme, scheme reference 2861, or by the making of a new capital bid and subject to resource availability. Any other required maintenance works will be the responsibility of GCCG who have advised that they will proactively investigate external funding to support the maintenance of the building. The ability to attract external funding will be enhanced if they have a 25 year lease of the property. There is also a consideration in relation to the site complying with Covid-19 guidance to ensure the site can be classed as being Covid-19 secure. A survey has been commissioned and will detail the work required. This will be the responsibility of GCCG.

- 5.2 The CAT has potential to impact on the overall leisure strategy to the extent that there could be an adverse impact on the business plan of the new Urmston leisure centre, which could reduce the ability of Trafford Leisure to repay the Council's borrowing costs on the scheme. At this stage it is not clear what this impact may be, if anything, given the proposed facility mix at GHC. In addition the financing of the Urmston leisure centre included an assumption that a capital receipt would be forthcoming from the GHC site of £1.5m. In the short term this has been made good from other capital receipts from the land sales programme to the detriment of other capital priorities. Therefore priority still needs to be given to maximise the potential for future capital receipts from any surplus elements of the GHC site.
- 5.3 GCCG Business Plan – Whilst the Plan shows a balanced position it is extremely difficult in the current climate to forecast with certainty. With this uncertainty in mind the GCCG have requested that the Council consider providing further revenue support them in the short term after the CAT is established to provide a working capital facility and support to initial set up costs of up to £96,000.
- 5.4 A review of the business plan that has been provided has raised a number of concerns around the current financial assumptions made. The current business plan forecasts a small loss for year one and surpluses for years two and three. The main area of concern are;
- Rental payments for utilisation of 4 rooms within the centre from the Manchester University NHS Foundation Trust for which there is currently no formal lease. Work is underway to agree a heads of terms for a lease. Clearly until this is finalised and signed there is a risk that in the longer term they may not require this space with the potential impact being a reduction in assumed levels of income of £40,800 for both years two and three. This would effectively take year two into deficit and year three to a breakeven position.
  - Increased levels of gym membership that are assumed may within the current restrictions around Covid-19 take longer to achieve.
  - Longer term maintenance costs of circa £1.4m which have been identified as part of the condition survey have not been allowed for within the



business model. With Trafford Council unable to fund these repairs funding would need to be identified to carry out these works by GCCG.

- 5.5 It is proposed that the terms of the facility are delegated to the Corporate Director of Place in consultation with the Corporate Director of Finance and systems and financed from the corporate contingency budget.

## **6 Best Value Considerations**

- 6.1 In order to agree the proposed CAT, the Executive needs to agree to the disposal of GHC at under value and a lease of 25 years is classed as a disposal.
- 6.2 The value of GHC was assessed on the 9th March 2016 at a value of £980k. The leases will be at a peppercorn rent and so the disposal will be at less than best value. However, the undervalue is less than £2m and the facility will provide a social benefit to its local community.

## **7 Estates Considerations**

- 7.1 The short term costs of £23.5k would need to be spent on GHC prior to the centre re-opening up as a leisure centre.
- 7.2 The Estates and Facilities Client Manager in conjunction with Trafford Leisure Operations Manager have identified other immediate works such as drainage in the car park and the roof over the reception area. A survey is to be commissioned by Amey to further investigate these area and confirm responsibility and costs.
- 7.3 As GHC has not been open as a Leisure Centre since March 2020. Trafford Leisure's Efficiency Manager and Trafford Council's Estates and Facilities Client Manager are reviewing the recent condition survey to highlight if further work is required to ensure that the building is fit for purpose, especially in the context of Covid19 and the recent changes from the Government Guidance within leisure centres including:
- 7.3.2 New Probes for the boilers.
  - 7.3.3 TREND – replacement valve & actuator for heating needed.
  - 7.3.4 Emergency lights.
  - 7.3.5 Changing Room Air Handling Unit (AHU)
  - 7.3.6 Main AHU
  - 7.3.7 Gym is off the main AHU which.
  - 7.3.8 TREND Controls.
  - 7.3.9 The sports hall, fitness suite and practice hall - further investigation required as infrastructure for supply of fresh air does not exist. This is required to comply with Covid-19 guidance.

- 7.4 A survey has been commissioned to take place by ST Maintenance to provide estimated costs and clarification on the actual works required to reopen the building as a leisure facility safely in a covid-19 secure manner.
- 7.5 As can be seen on the plan (Appendix A) the site is split in to two areas. The GCCG have requested a 25 year lease agreement on the area shaded red to ensure all possible funding streams are open to them, especially in terms of maintaining and improving the physical asset.
- 7.6 It is recommended that the larger car park, shaded in blue, is leased to the GCCG but which would allow the Council to review on a rolling five year basis as a separate arrangement to the main CAT agreement which is proposed to be the area shaded red.
- 7.7 The agreement for the large car park would include access for non-leisure centre users in order to access the open space situated alongside GHC and allow the Council some flexibility to use the space for community benefit such as a virus testing site in this locality. The agreement would include a mechanism at the end of each five years which would need to be developed.
- 7.8 In the event that GCCG cease trading then the centre will be handed back to the Council. This will be covered in the heads of terms of the leases.

## 8 Equipment

- 8.1 A full inventory of assets within GHC has been completed by Trafford Leisure and shared with GCCG. GCCG have identified the equipment below to be relocated from Altrincham LC to GHC prior to the CAT is complete.
- 8.2 Trafford Leisure have confirmed these have been relocated to Altrincham LC in response to Covid 19 to support social distancing guidelines for fitness suites.
- 8.3 Should this not be possible due to Covid 19 pressures GCCG are requesting a like for like replacement.

|  |    |
|--|----|
| Exercise bike                          | 4  |
| Concept 2 rowers                       | 4  |
| Treadmills                             | 3  |
| barbell curl                           | 1  |
| Barbell / dumbbell weights 2kg to 25kg | 50 |
| Barbell / dumbbell weight stand        | 2  |

- 8.4 Trafford Leisure have advised there is an Asset lock for all equipment across the Trafford Leisure CiC Estate. Trafford Leisure met with their auditors 22/09/20 and made a recommendation to release the equipment listed on 29/09/20.
- 8.5 All assets are to be listed in the leases.

## 9 Competition Vs Compliment

- 9.1 As part of a Community Asset Transfer process there are set criteria in the Community Asset Transfer Position Statement document which was part of the suite of documents agreed by the Trafford Council Executive in 2013.
- 9.2 Section Four of the Community Asset Transfer Position Statement document sets out the criteria and includes the statement of whether continuation conflicts with other service provision.
- 9.3 In this situation, there is a possibility of conflict with the redeveloped Move Urmston Leisure Centre. However, the George Carnall Community Group reference differentiation in their business plan.

## 10 Risks

- 10.1 The income from MFT is a risk as this is a significant contribution to the total income in the GCCG business plan. Finance recommend at least a 5 years agreement with MFT to rent the office space.
- 10.2 Possible income generated by GCCG not being enough to undertake the general day to day maintenance of the site.
- 10.3 In terms of capital costs the below are risks in terms of capital spend required to make the facility fit for purpose. The risk is that Trafford Council will fund the work required without guarantee that GHC will be a viable leisure centre for the term of the 25 year agreement with GCCG. Note that these works need to be completed and if not completed will result in an increase in running costs for the organisation managing the facility.
  - 10.3.1 The resurfacing of the roof, especially office roof.
  - 10.3.2 The testing and possible repair of the appliances such as boiler and air handling unit.
  - 10.3.3 Car park drains.
- 10.4 The overall responsibility of the circa £1.4m highlighted in the condition survey as can be seen in Appendix B and C. The Council can't afford to fund these works and there is no guarantee that GCCG will be successful in bidding for funding to maintain the building to ensure that it is fit for purpose over the short, medium and long term. There is a risk of agreeing the CAT from January 2021 and a major repair being required on the building within the initial agreement period prior to GCCG having funding. This would mean that the building or part of the building would have to be closed until funding is raised.
- 10.5 Current skills and knowledge gaps identified within the GCCG as noted in their business plan.

- 10.5.1 Estates / Buildings Maintenance.
- 10.5.2 Legal.
- 10.5.3 Sports.
- 10.5.4 Human Resources.
- 10.5.5 Communications.
- 10.5.6 Marketing.
- 10.5.7 Equipment Maintenance.

- 10.6 As noted in the GCCG business plan, a loan has been requested of £64k followed by a separate loan of £32k for working capital to pay for items such as recruitment, wages, bills etc. There is a risk that this loan would not be paid back, especially if the GCCG is unsuccessful.
- 10.7 The GCCG business plan shows a level of 300 gym members paying £25 a month generating a significant income for GCCG. This is a significant risk to achieving this number of members and price per head in the current covid19 market conditions which are unprecedented and unpredictable.

## **11 Options**

- 11.1 It is considered that there is merit in the GCCG proposals for a community asset transfer of GHC. It would align with the wishes of the community as expressed through the public consultation; it could enable a community asset to be maintained; it would enable the continued provision of community health services at this location; and it could reduce the Council's ongoing potential liabilities for maintenance of the centre.
- 11.2 However, there are risks and costs associated with maintaining the building if a CAT is agreed.
- 11.3 An alternative option is effectively to do nothing. I.e. continue with the original Executive decision to 'accept the keys back' from Trafford Leisure. This would potentially generate a capital receipt for the Council if sold to a property developer and assist with the repayment of the Move Urmston refurbishment and ensure that there is no further expenditure related to the maintenance of the GHC building.
- 11.4 An alternative option exists to go out to market and see what interest there would be in the asset, especially in terms of promoting physical activity. GCCG would still have the option to make an Expression of Interest in the asset during the disposal process along with other interested parties.
- 11.5 A long term solution for the health services would be required if the facility closed.

## **Consultation**

A public consultation has been conducted and the results support the GHC centre remaining open. This consultation did not include the option of having a community group running the centre.

### **Reasons for Recommendation(s)**

To provide a community group with the option to progress a CAT and allow the group to provide health and wellbeing services from the site for the benefit of the community.

### **Exempt Information**

**By virtue of Paragraphs 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order, the following information has been excluded from Part 1 of this report and included in Part 2 of the report:**

**3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)**

**In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

**Key Decision: yes**

**If Key Decision, has 28-day notice been given? Yes**

**Finance Officer Clearance: GB**

**Legal Officer Clearance: TR**

**CORPORATE DIRECTOR'S SIGNATURE:**



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

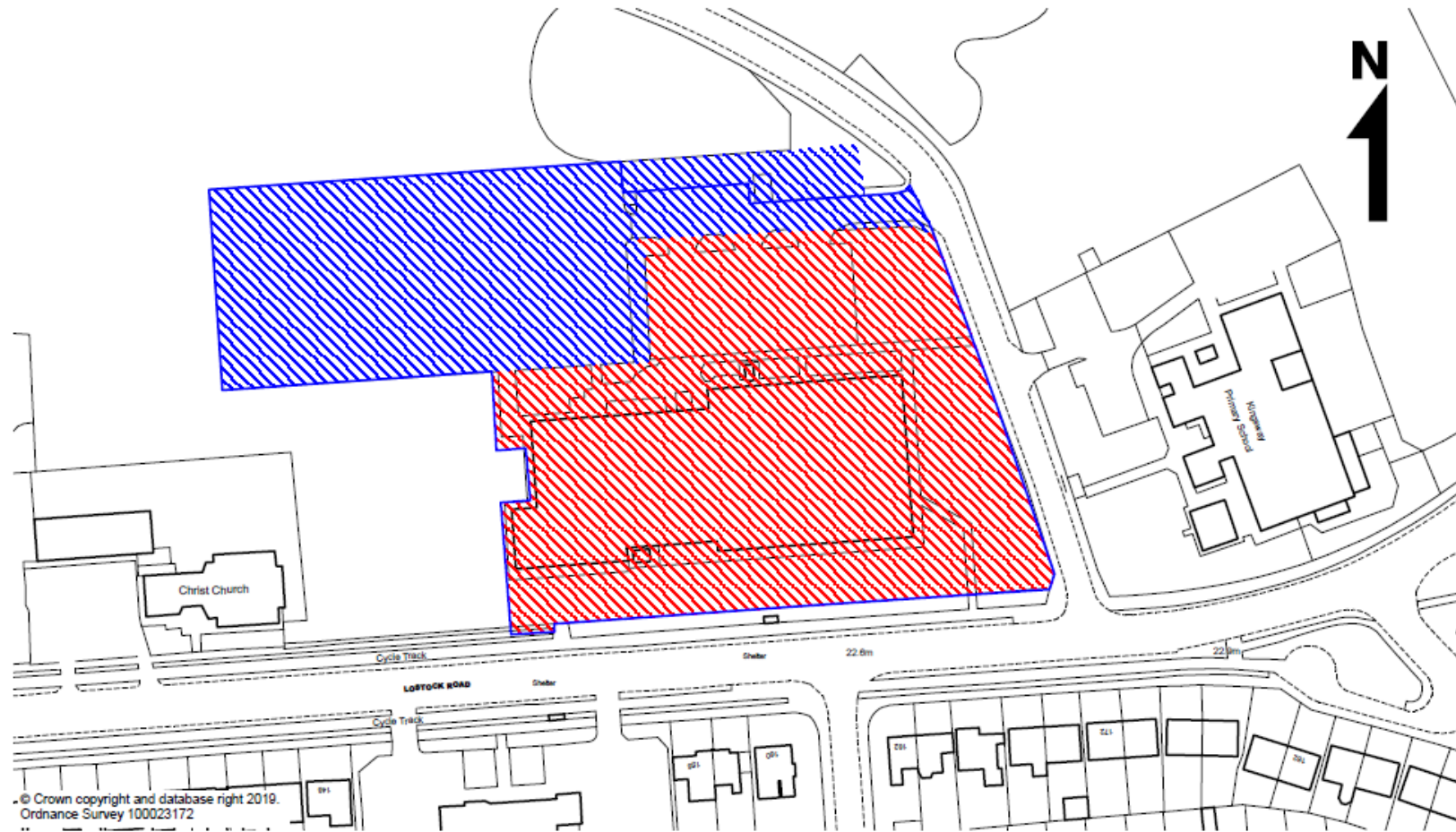
### **Appendices**

**Appendix A – Red line Boundary including proposed responsibility for the car park space.**

**Appendix B - George H Carnall Leisure Centre Survey 16.11.19 - Exec Summary**

**Appendix C - George Carnall LC AMP Dec 2019 - High Level Costs**

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**George H. Carnall**

Red Shaded Area = Suggested extent of Community Asset Transfer (CAT)

Blue Shaded Area = Proposed additional Car Park Lease Area

Area (or thereabouts):  
of Blue Shaded Land = 0.575 Ha  
(1.421 Ac)

Area (or thereabouts):  
of Red Shaded Land = 0.908 Ha  
(2.239 Ac)

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CO37200068

Date  
17 SEPT. 2019

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TRAFFORD COUNCIL - CONDITION SURVEY -EXECUTIVE SUMMARY

|              |   |
|--------------|---|
| SURVEY DATE  | 16 <sup>th</sup> November 2019                    |
| SURVEYOR     | Harry Fletcher                                    |
| PROPERTY REF |   |
| PREMISE NAME | George H Carnell Leisure Centre                   |
| ADDRESS      | Kingsway Park<br>Urmston<br>Manchester<br>M41 7FJ |

Property Description

SITE - OVERVIEW

George H Carnell Leisure Centre is a two-storey building, Built circa 1974. The building is situated within its own grounds with a short access road, car parking provision, some perimeter fencing/gates and paved areas.

There are also 2nr metal shipping containers, a metal shed and outbuilding housing Gas Meter (Block B).

The Leisure Centre includes: Café, Gym, Sports Hall, Squash Courts, Changing Facilities, Disabled Changing Facilities, WCs, Disabled WCs, Offices and Training Room.

BLOCK A - OVERVIEW

The construction consists of fair faced brickwork walls and steel cladding, with aluminium double glazed windows, UPVC double glazed windows, aluminium double glazed doors, UPVC double glazed doors, flush panel timber doors and timber Georgian wired doors. With metal roller shutters to front and side elevations.

The building is under flat felt roofs; roofs are serviced by internal rainwater pipes and built in fall to roofs, there are no perimeter gutters or external rainwater pipes.

The building has a fair faced brick built “chimney tower” to front elevation, which carries flue from 1<sup>st</sup> floor plant room, and has a wraparound concrete escape stair with railings.

BLOCK B – OVERVIEW

This construction houses the Gas Meter. Construction consists of fair faced brickwork walls, with solid steel doors and a flat concrete roof.

Building Survey Summary

BLOCK A – INTERNAL

CEILINGS

Comprising of a mix of suspended ceilings, plasterboard and plastered, concrete soffit plastered, concrete soffit, exposed timber joists and metal profiled sheet.

Ceilings are generally operating as intended; however, many of the suspended ceilings are original, and replacement/tile renewal should be considered.

Ceilings showing particular wear are as follows:

- Squash Court Circulation 43; suspended ceiling, nearing end of life.
- Kitchen 55; suspended ceiling, tiles are generally worn/discoloured.
- Practice 28; suspended ceiling, tiles are generally worn/discoloured.
- Stairwell 61; suspended ceiling, tiles are generally worn/discoloured.
- Circulation 02; suspended ceiling, tiles stained.
- WC Male 16; suspended ceiling, tiles stained.
- WC Female 34; suspended ceiling, tiles stained.
- Sports Hall 23; profiled metal sheet, evidence of water ingress left hand corner.
- Office 04; suspended ceiling, tile cracked.
- Reception 05; suspended ceiling, tile cracked.
- Staff Changing 08; suspended ceiling, tile cracked.

## FLOORS

Comprising of a mix of carpet tile, fitted carpet, vinyl tiling, quarry tiling, linoleum sheet, vinyl sheet, rubber gym matting, Granwood flooring, solid concrete and coloured screed, generally in a satisfactory condition.

However, the following was noted:

- Circulation 01; vinyl sheet nearing end of life.
- Circulation 02; quarry tile, tiles broken/cracked in places. Isolated repairs required.
- Circulation 02; vinyl sheet nearing end of life.
- Fitted carpets to: 03, 04, 06 & 07 exhibiting wear/nearing end of life.
- CL Store 10; quarry tile, partially stripped out.
- Circulation 17; quarry tile, tiles broken/cracked in places. Isolated repairs required.
- Circulation 20; quarry tile, tiles broken/cracked in places. Isolated repairs required.
- Medical 18; laminate planks warped in places.
- Stairwell 21; vinyl tiles nearing end of life.
- Stairwell 61; vinyl tiles nearing end of life.
- Practice 28; Granwood floor, finish is worn.
- Circulation 26; vinyl sheet beginning to wear.
- Female Shower 32; cap and cove flooring, joints defective.
- Disable Changing 36; cap and cove flooring; joints defective.
- Male Shower 39; cap and cove flooring; joints defective.
- Circulation 48; entrance matt worn.
- Training 50 & IT 51; subfloor to corner broken out, backfill and make good.
- Store 53; vinyl tiles nearing end of life.
- Store 54; linoleum sheet over vinyl tile is ripped, flooring at end of functional life.
- Viewing gallery 62; vinyl sheet nearing end of life.
- Circulation 67; vinyl sheet worn.

Cracking to floors has been noted to: Sports Hall 23, Plant 65 and Store 68. Further investigation scheduled.

## WALLS

Comprising of a mix of fair faced blockwork painted & unpainted, fair faced brickwork, ceramic tiling, stud plastered and painted, stud plastered, timber panelling and PVC panelling. Generally, in a satisfactory condition.

However, the following was noted:

- Circulation 02; blockwork wall painted, some flaking paint/damp at low level between WC(F) 13 & WC(Dis) 11.
- CL Store 10; ceramic tiles, walls damaged where partitions stripped out; make good walls.
- Medical 18; tiled splashback, tile loose/de-bonded.
- Disabled Changing 39; 1nr cracked tile to shower area.
- Kitchen 55; ceramic tiles; tiles beginning to de-bond at corner boxing in and below and above sink.
- Store 59; tiled WHB splash back cracked.
- Sports Hall 23; timber panelling water damaged/stained.
- Training 50 & IT 51; impact damage to walls from door closers.

Cracking to walls within: Sports Hall 23, Practice Hall 28, Store 70 and Store 71. Further investigation scheduled. Some hairline cracking has also been recorded for future reference.

## DOORS

Comprising of a mix of flush panel timber, glazed timber, glazed veneer, glazed aluminium, bi-folding timber and bi-folding metal.

Doors are generally operating as intended; however, many of the timber doors are original, and replacement should be considered.

Doors showing particular wear are as follows:

- Circulation 02; glazed veneer. Beading to glazing damaged.
- Practice 28; glazed timer, door frame split and screwed back up.
- Store 24; timber bi-folding, some damage to panels.
- Disabled Changing 36; timber door - plant room; some wet rot to base of door frame.

- Male Changing 38; defective door handle.
- Male Shower 39; timber door to plant room, swollen at base.
- Circulation 43; glazed veneer. Beading to glazing damaged.
- Bar/now store 56; glazed veneer. Beading to glazing damaged.
- Circulation 66; timber glazed. Beading to glazing damaged.

Door previously to Fitness 19 from Circulation 17, now permanently locked, as new opening from Gym 22 has been created. A check of the fire escape plan has been scheduled, to ensure this is not impeding an escape route.

#### WINDOWS

Comprising of aluminium safety glass and timber Georgian wired, generally in a satisfactory condition.

#### SANITARYWARE

Comprising of closed coupled ceramic WCs, ceramic WCs w/ concealed cisterns, DDA style ceramic WCs, ceramic wall hung wash hand basins, ceramic wash hand basins inset to countertop, stainless steel wash hand basins, stainless steel sinks and 1nr DDA adjustable height wash hand basin.

Generally, in a satisfactory condition, with newer sanitaryware to Disabled Changing 36.

However, sanitaryware is dated in places, notably to Disabled WC 11, WC has external overflow warning pipe discharging on to floor. Consider upgrading or retro fitting cistern with new flush valve, with internal overflow.

Also, WC pan to Female WC 13 is cracked to base; WC is to end stall.

#### FIXTURES AND FITTINGS

Including fitted kitchen units, worktops, cupboards, shelving and cloaks. Generally, in a satisfactory condition.

However, the following was noted:

- Medical 18; laminate worktop, burn mark to top.
- Kitchen 55; corner base unit, carcass rotten and at end of life.

In addition, metal framed/timber clad & lined concertina seating to Sports Hall 23. Scheduled for safety inspection. Stand is dated.

Note; old Bar 56 is no longer used, closed early 2011, fittings are dated and space fit-out redundant

#### HANDRAILS

Comprising of metal handrails, hand rail to Stairwell 21 is defective at half landing.

#### SECURITY

Comprising of internal metal roller shutter, generally in a satisfactory condition.

#### INTERNAL DECORATION

Generally, in a satisfactory condition, barring any aforementioned items.

## BLOCK A – EXTERNAL

### FASCIAS / SOFFITS / BARGE BOARDS

Comprising of cement barge boards to entrance canopy, generally in a satisfactory condition.

However, note there is painted cement board to fire escape stair railings, 1nr board is defective and broken edge painted. Consult building' Asbestos Register prior to any further repairs.

### RAINWATER GOODS / SVPs

Rainwater pipes are internal and concealed, no visual inspection undertaken.

### WALLS

Comprising of a mix of fair faced brickwork and steel cladding, generally in a satisfactory condition.

However, cracking noted around fire escape doors to Elevation 04 and Elevation 01. Further investigation scheduled.

Pointing is also poor directly below wall hung AC units to Elevation 02.

### WINDOWS

Comprising of a mix of aluminium double glazed (original and newer) and UPVC double glazed, generally in a satisfactory condition.

However, original aluminium windows to Elevation 01 to left hand side; mastic poor in places and rubber glazing bead missing in place.

### DOORS

Comprising of a mix of automatic sliding aluminium double glazed, UPVC double glazed and timber Georgian wired.

Fire escape doors to Sports hall, ground and first floor, are dated and replacement should be considered.

Doors displaying particular wear are as follows:

- Elevation 04; flush panel timber fire escape door, nearing end of life.
- Elevation 02a; timber Georgian wired, exhibiting timber decay.
- Elevation 01; flush panel timber fire escape door, exhibiting timber decay.
- Elevation 05; flush panel timber fire escape door, nearing end of life.

### SECURITY

Comprising of metal roller shutters and metal caging, generally in a satisfactory condition.

However, metal cage to wall hung AC units, Elevation 02, rusted/nearing end of life. Roller shutters to Elevation 01 right hand side/side rusted in places/paint poor.

### EXTERNAL DECORATION

Paint to Sports Hall doors, older aluminium windows and roller shutters generally poor. Remainder, generally satisfactory.

### ROOFS

Roofs comprise of flat felt roofs, informed to be original to building. Evidence of leaks internally, notably left-hand corner of Sports Hall 23. Roofs are nearing end of life.

## STEPS/RAMPS/RAILINGS

There are some concrete ramps, and metal railings to building, generally in a satisfactory condition.

However, there is a set of flagged steps to Elevation 03, with steel hand rails, 1nr flag step is loose. Paint is poor to hand rails.

## PATHWAYS

These comprise of mainly concrete flagging with some block paving and tarmac by entrance, both are generally poor.

Concrete flagging is in a poor condition, with cracked and undulating flags generally, in turn posing a trip hazard. Concrete flags to rear Elevations 04,05,06 have sunk by 40mm in places.

## CARPARK

Comprising of tarmacadam surfacing, surfacing is generally dated. Surfacing directly to front of Block A is generally poor and breaking up in places.

Surfacing to main car park is in a fairer condition, however bay markings are poor, with some markings spray painted.

## DRAINAGE

Comprising of conventional road and path gulleys with metal gratings and 1nr surface drain to main car park; main carpark has built in fall channelling water to drain.

Multiple metal grates to pathways need re-bedding, as mortar has broken down. Surface drain to main carpark is full of sludge and requires cleaning out.

Parking bays to righthand side as entering the site, are susceptible to flooding, and were flooded at time of inspection. Further investigation and/or jetting of drains scheduled.

## FENCING/GATES/MISCELLANEOUS

Comprising of some steel palisade fencing & gates, timber gates and a steel vehicle height restrictor. Generally, in a satisfactory condition.

However, vehicle height restrictor has been damaged, and needs repair.

## BOUNDARY WALLING

Some fair faced dwarf walling to entrance, forming planters etc. generally in satisfactory condition.

## CONTAINERS/SHEDS

2nr metal containers to front elevation, generally satisfactory condition.

Metal shed to rear Elevation 05, generally in a poor condition, with side panel buckled/bowed.

## BLOCK B

This construction houses the Gas Meter. Construction consists of fair faced brickwork walls, with solid steel doors and a flat concrete roof. Internally walls are fair faced brickwork, with floors being solid concrete.

All generally satisfactory in condition, and fit for purpose.

| BLOCK No.                      | TYPE (PERM or TEMP) |  | AGE      | BL<br>NIA            | GEA           |
|--------------------------------|---------------------|--|----------|----------------------|---------------|
| BLOCK A<br>BLOCK B             | Perm<br>Perm        |  | 45<br>45 | 3220<br>3            | Total: 3223m2 |
| Original Dwg's provided        | yes                 | Original survey amended                  |          | No. of Pictures sent |               |
| 10% dimension check            | yes                 | Survey downloaded                        |          | Hours on Site        |               |
| Amended Dwg's provided         |                     | Survey type – Full                       | full     | Hours in office      |               |
| Schedule of Amendments         |                     | Survey type – walk-through               |          | Total hours          |               |
| WC accommodation               |                     |  |          |                      |               |
| Staff Female                   |                     | General Female                           | 1        | Disabled             | 2             |
| Staff Male                     |                     | General Male                             | 1        | Disabled Female      |               |
| Staff Shared                   | 1                   | Changing room Female                     | 1        | Disabled Male        |               |
| Staff Communal Kitchen         |                     | Changing room Male                       | 1        |                      |               |
| Car parking marked bays<br>WIP |                     | Area of unmade ground used<br>as parking |          |                      |               |
| Parking general                | 335                 | Disabled                                 | 9        | Reserved             |               |
| Family bays                    | 6                   |  |          |                      |               |

George Carnell LC Notes

| Discipline             | m Sq. | Condition | Cost            |   |
|------------------------|-------|-----------|-----------------|---|
| Building               | 3347  | N/A       | N/A             | Floor area of Building.   |
| Building               | 1547  | C         | £575,000        |   |
| Building               | 1547  | D         | £23,500         | External Areas.   |
| <b>Total Building.</b> |       |           | <b>£600,000</b> | 1800m2 of 3347m2 remodelled presumed to an acceptable standard. |
| <b>Mechanical</b>      | m Sq. | N/A       | N/A             | No condition D  |
|                        | 3347  | C         | £662,000        |   |
| <b>Total Mech</b>      |       |           | <b>£662,000</b> |   |
| <b>Electrical</b>      | m Sq. | N/A       | N/A             | No Condition D  |
|                        | 3347  |           |                 | 1800m2 of 3347m2 remodelled presumed to an acceptable standard. |
|                        | 1547  | C         | £152,000        |   |
| <b>Total Elec</b>      |       |           | <b>£152,000</b> |   |

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## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 26<sup>th</sup> October 2020  
**Report for:** Decision  
**Report of:** Executive Member for Adult Social Care

### Report Title

Fair Price for Care: Homecare 2021- 22

### Summary

Every year the Council sets a Fair Price for Care which determines the hourly rate for homecare for the following financial year.

This report makes recommendations regarding the annual uplift to the hourly rate paid to commissioned homecare framework providers in Trafford for the 2021-22 financial year.

The recommendation regarding inflationary uplifts are in two parts – one refers exclusively to the framework homecare providers and reflects the transformation work and does not include non-framework providers, supported living providers or direct payment packages. The second part reflects the inflationary uplift, and the additional burdens as a result of the National Living Wage/wage increases and the RPI.

The recommendations reflect the Council's commitment to the Ethical Care Charter, the desire to invest in services which are crucial to our Living Well at Home transformation and the proposed changes to the way we commission care at home services for Trafford residents and also references the cost savings which have been achieved to date through the homecare transformation programme. In the absence of an announced uplift in the NLW, we are offering an increase of 2% for people on the National Living Wage together with an element for RPI. In August the RPI was 0.5% and we usually use the October rate as a benchmark

Further consultation with providers is required on the increase in the homecare rate and the new model of service delivery before a final proposal can be presented for formal approval.

### Recommendation(s)

That the Executive approves the following for consultation, and further consideration in the light of consultation :

- A 5.69% uplift on the existing business as usual homecare rate of £15.99 to reach an hourly rate of £16.90, including RPI
- A further uplift to enable providers to achieve an uplift on the National Living Wage ("NLW") (either 2% or an uplift which reflects the NLW, dependent on which is the higher rate).

Contact person for access to background papers and further information:

Name: Karen Ahmed  
Extension: 1890

Background Papers: None

**Implications:**

|  |   |
|--|---|
| <p>Relationship to Policy Framework/Corporate Priorities</p> | <p><b>Low Council Tax and Value for Money</b></p> <p><b>Economic Growth and Development:</b> The homecare annual uplift will contribute to improved workforce pay, conditions and retention, to stabilize the homecare market, supporting growth for local providers and improved skills for local people.</p> <p>Furthermore it will enable us to continue to reduce expenditure on non-framework homecare packages in order to achieve cost savings</p> <p><b>Services focused on the most vulnerable people:</b> Homecare is a targeted service provided to the most vulnerable people, following a social care assessment and is a key component in our response to COVID19</p> <p><b>Trafford Together Plan:</b> we are working towards an integrated commissioning system for homecare between the Council and Trafford Clinical Commissioning Group, who both commission homecare. This has been delayed due to COVID but our homecare provision is a key component in terms of our integrated efforts to support people to leave hospital and bed based care safely and quickly</p> |
| <p>Relationship to GM Policy or Strategy Framework</p>       | <p><b>Greater Manchester Population Health Plan 2017-2021:</b> Age Well Priority: More people will be supported to live at home for as long as possible and we will manage COVID infection rates through the provision of safe care at home services</p> <p><b>Greater Manchester Health and Care Board Urgent and Emergency Care Improvement and Transformation Plan:</b> Homecare is integral to priorities around reducing delayed hospital discharges and urgent/unplanned care and our community response to COVID</p> <p><b>Greater Manchester Live Well at Home Strategy:</b> This proposal is aligned with GM priorities to improve homecare and supports us to continue to transform homecare, in line with our allocation of GM Transformation monies</p> <p><b>Commissioning Strategy and Market Position Principles:</b> Our vision for the market and our commitment to coproduction is articulated in "Trafford Together," our locality plan. This is a</p>   |

|  |   |
|--|---|
|  | <p>jointly agreed document which sets out the system wide changes we need to make to achieve our ambition over the next 5 years. This plan will be consulted upon during the year of engagement. The plan states that “In Trafford under the banner of the ‘Living Well at Home Programme’ we will integrate service provision to ensure better outcomes for Trafford residents and the ‘system’ in which we operate. We will adopt the principles of the locality plan by delivering person centred care that preserves independence by supporting more people to remain at home.</p>  |
| <p>Financial</p>                       | <p>The proposed uplift on the business as usual homecare rate of £0.91p and a further uplift which reflects the NLW or 2%, dependent on which is the higher rate will be met by both transformation funding and within the overall allocation for inflation and demography in the Medium Term financial plan (MTFP) that has been allocated to the Adult Social Care Budget for 2021/22.)</p>   |
| <p>Legal Implications:</p>             | <p>The legislative requirements are detailed in the report.</p>   |
| <p>Equality/Diversity Implications</p> | <p>Decision-makers are under a legal duty to have due regard to the need to eliminate discrimination against home care recipients (as well as providers/staff), promote equality of opportunity between such persons and others and foster good relations between such persons and others.</p> <p>Therefore, it is important to take care that all the new rates are adequate to promote a diverse and high quality homecare market, in particular because of the risk that otherwise there could be an adverse impact on the welfare of vulnerable residents and/or staff and their ability to enjoy a quality of life comparable with those less vulnerable.</p> <p>Vulnerable residents include in particular the elderly, women and disabled persons. Staff are largely female and older persons, in particular females.</p> <p>Decision-makers need to be satisfied that the proposed rate is adequate for the welfare of residents and staff. Older women are disproportionately represented in social care because they live longer. In addition, poorer residents will be the key recipients of funded adults social care, as they often acquire long term conditions and illnesses earlier that necessitate social care and they do not have the resources to fund their own care. The increase in rates will ensure that these groups of people are able to</p> |

|  |   |
|--|---|
|  | <p>access services which meet their needs.</p> <p>A fuller report on equality/diversity implications will be submitted together with the results of consultation</p>  |
| Sustainability Implications                        | Not applicable.   |
| Resource Implications e.g. Staffing / ICT / Assets | Not applicable.   |
| Risk Management Implications                       | Not applicable  |
| Health & Wellbeing Implications                    | <p>The recommendations outlined in this report will have a positive impact on the health and wellbeing of local residents in the following ways:</p> <ul style="list-style-type: none"> <li>• Local homecare workforce will experience improved pay and conditions which will improve their health and wellbeing and have a positive impact on workforce retention rate in homecare locally</li> <li>• Improved workforce retention will support market stability so that we can meet demand for care at home services and support the most vulnerable people to live well at home for as long as possible</li> <li>• People in receipt of homecare will experience improve quality of care by <ul style="list-style-type: none"> <li>○ ensuring adequate time for visits so that carers can do their job properly</li> <li>○ providing statutory sick pay for workers so that they don't have to work with vulnerable residents when they are ill</li> <li>○ improving access to training so carers can do their job well</li> <li>○ improving local staff retention through improved pay and conditions leading to better continuity of care</li> </ul> </li> </ul> |
| Health and Safety Implications                     | Not applicable  |

## 1.0 Background

### Annual Uplift for Homecare

- 1.1 The Council has engaged annually with the market to agree a “Fair Price for Care”.
- 1.2 The Transformation Programme changed the methodology that Trafford Council applied to the annual uplift, as we co-produced new models of homecare with our providers to develop a model of working with people in their own homes enabling faster discharges and supporting people to become more independent. This resulted in having a two tier pricing structure last year as a step on the way to equalising the rates. The uplift combined the transformation aspiration together with the pressures from the RPI and the NLW.
- 1.3 This year we are in a very different position because of the financial impact of COVID. Instead, of an Autumn Budget, the Chancellor announced a Winter Economy Plan (announced on the 24 September 2020) focused on supporting the wider workforce where people were financially disadvantaged because of COVID. No mention was made of the NLW. The Low Pay Unit have recommended a minimum of 15p increase an hour.
- 1.4 The Council have decided to offer an increase of 2% which equates to 18p per hour for those on the NLW. This demonstrates the Council’s commitment to the Ethical Care Charter. Providers will be expected to pass this increase directly on to their staff. Should an announcement be made on the NLW which is higher than the 2% proposed then this would be offered to providers by the Council.

### Homecare Transformation

- 1.5 The proposed uplift also reflects our original ambitions for homecare transformation and will ensure we can continue to achieve cost savings for adult social care. The Homecare Transformation Programme commenced on 2<sup>nd</sup> December 2019 and was due to run until 31<sup>st</sup> March 2021. The programme has been partially funded through GM transformation monies, with the aim of stabilising the homecare market by improving pay and conditions for homecare workforce and by redesigning the way we commission and deliver care at home services.
- 1.6 Covid has impacted on the programme, with some projects continuing to run, some being temporarily funded through NHS Covid Discharge funding and some being terminated. But Covid has also necessitated new ways of working and has expedited many of our plans to develop a more integrated care at home offer for Trafford residents
- 1.7 As a result we have been able to achieve some of the original cost savings associated with the programme. This includes:
  - Savings in excess of £300,000 since December 2019, by reducing the need to commission non-framework homecare packages
  - Savings in excess of £20,000 since 1<sup>st</sup> April 2020 by reducing the number of reablement packages which last for more than 21 days

- We have also continued to decrease the number of residential and nursing beds commissioned, as we have supported more people to remain in their own homes for longer.

Let's Talk Homecare is one of the transformation projects which has continued throughout our response to Covid and has been instrumental in achieving the savings described above. Let's Talk Homecare attracted an enhanced rate for homecare to support new ways of working.

1.8 When we launched the Let's Talk Homecare pilot, we committed to retender the homecare framework and have a new framework in place by 1<sup>st</sup> April 2021. Our hope for the new framework, should the Homecare transformation Programme achieve the agreed cost benefits, was to:

- Enhance the business as usual/framework homecare rate
- Apply an uplift on the Let's Talk rate, in line with our usual Fair Price for Care processes

1.9 The financial incentive was in recognition of the desire to invest more in homecare and a recognition of the wider positive impact of this on Trafford residents and the homecare workforce, which in turn impacts our ability to create a stable market to better manage our investment in homecare.

### **Responding to the pandemic**

1.10 In March 2020, Trafford Council significantly reconfigured the homecare offer to respond to the pandemic. The new service offer includes:

1.1..1 Rapid Homecare to support same day hospital discharge and same day support to avoid a hospital admission

1.1..2 Stabilise and Make Safe Reablement supporting people to return home from bed based discharge to assess and intermediate care

1.1..3 Long term homecare

1.1..4 British Red Cross providing a service to support hospital discharge, reduce social isolation during the pandemic and ensure people attend planned medical appointments to maintain their health and wellbeing, and avoid the need for statutory care

1.11 Our homecare market has been integral to our response to the pandemic. Providers have demonstrated considerable resilience and flexibility, providing regular examples on how their services had supported to change peoples' lives under very difficult circumstances.

1.12 At a time when the public were losing confidence in the residential and nursing care market, our homecare providers were able to step up and offer care to people with more complex care needs. In addition, the care market became more attractive to people as the retail and hospitality sector began to shrink, and it became easier to recruit and retain staff.

1.13 Homecare providers have additional expenses as a result of Covid (largely around infection control measures). A stable homecare workforce/market is central to our ability to cope with repeated peaks in terms of Covid 19 and to meet the responsibilities outlined in the Coronavirus Act 2020.

### Current Financial position

- 1.14 With the onset of COVID, the Council and the CCG now find themselves in a position of recovery and reform, seeking to embed the lessons learnt during COVID, and working with our providers and partners across the health and social care system to design a new model.
- 1.15 We are therefore proposing to apply an uplift on the business as usual homecare rate of £0.91p including an element for RPI and a further uplift which reflects the NLW or 2%, dependent on which is the higher. This will be funded by both transformation funding and the overall allocation for inflation and demography in the Medium Term financial plan (MTFP) that has been allocated to the Adult Social Care Budget for 2021/2.
- 1.16 This excludes supported living providers and non-framework providers, on the basis that the cost benefits we have achieved apply only to our homecare framework providers and we cannot evidence that the uplift would achieve the same savings in other areas.
- 1.17 The uplift for supported living providers and non-framework providers will be based on the National Living Wage and the RPI as usual. In the absence of an announcement regarding the NLW, the Council proposes to offer a minimum uplift of 18p. an hour for those on the NLW or 2%. This will be adjusted if an announcement is made regarding a higher increase in the NLW.
- 1.18 The RPI offer is usually based on October's rate. August's rate was 0.5%.
- 1.19 Our recommendation reflects the Council's commitment to embedding the Ethical Care Charter in the homecare workforce and acknowledges the significant cost savings which have been achieved through the Homecare Transformation programme.
- 1.20 The proposed uplift will apply to packages of homecare which are commissioned by Trafford Council and either partly or wholly funded by the individual, meaning that those residents will also incur an increase in the cost of their care, if they are able to afford it.
- 1.21 Our proposal also acknowledges the costs of delivering and is founded in the following cost model:

| <b>Description of costs</b>                    | <b>Cost of activity</b> | <b>% of hourly rate</b> |
|--|-------------------------|-------------------------|
| National minimum wage                          | £8.72*                  | 52%                     |
| Travel time                                    | £1.00                   | 6%                      |
| Carer travel costs through neighbourhood model | £1.03                   | 6%                      |
| Sick pay                                       | £1.16                   | 7%                      |
| NI and pension contributions                   | £0.37                   | 2%                      |



|  |        |      |
|--|--------|------|
| Running costs, including management time, training, office space, etc. | £4.12  | 24%  |
| Profit/surplus   | £0.50  | 3%   |
| Proposed hourly rate   | £16.90 | 100% |

\*an increase in the national living wage will impact on this figure

1.22 The proposed pricing model for homecare is lower than the UK Homecare Association recommended rates but acknowledges further efficiencies which will be achieved by reconfiguring the homecare framework from 1<sup>st</sup> April 2021. Efficiencies will be achieved as follows:

- Retendering of the homecare and reablement at home framework in Trafford to establish a new framework by 1<sup>st</sup> April 2021.
- Within the new framework we will establish a neighbourhood model, with a lead provider in each locality/neighbourhood/postcode and a second, third and 4<sup>th</sup> framework provider in each locality to ensure capacity
- Each lead provider will ensure the provision of the following services:
  - Rapid Homecare offer (final detail to be agreed) to support people who are in crisis to avoid a hospital or residential admission and to offer short term care to support hospital discharge
  - Reablement at Home offer to support step down from discharge to assess and from rapid homecare
  - Long term homecare

1.23 The provision of a neighbourhood model will reduce travel time and travel costs for the workforce, allowing more of the hourly rate to be used for care. The provision of a range of step up/step down and long term care in each locality will help to avoid expensive bed based care. The neighbourhood model supports better workforce and capacity planning for providers, allowing them to manage capacity and recruit carers on improved pay and conditions because they are guaranteed to pick up packages of care in their locality. This in turn will ensure that we can meet demand through our commissioned providers without needing to resort to expensive, off framework care provision. In addition, the neighbourhood model supports the Let's Talk approach because it allows providers to develop links with other support services and to encourage the cared for the access other types of help, reducing their reliance on paid care and improving social inclusion.

## 2.0 Legislative Provisions

2.1 s5 (1) of the Care Act 2014 ("CA 2014") places a duty on local authorities to promote a diverse and high quality market of care and support services (including prevention services) for people in their local area. In particular, local authorities must act with a view to ensuring that there is a range of different services and providers to choose from. The Council must, under s5 (2) CA 2014, consider a number of factors when exercising this duty including the importance of ensuring the sustainability of the market and supporting continuous improvement in the quality of services; making available information about the services available to people in its area; the current and future demand for services in its area, and how this demand can be met by providers; the importance of carers and service users being able to undertake work, education and training; and the importance of fostering a suitable workforce whose members are able to ensure the delivery of high quality services because, they have relevant skills and appropriate working conditions.

- 2.2 Statutory guidance, guidance which the Council must have regard to in discharging its functions under s78 CA 2014, stresses the importance of the Council encouraging “a workforce that underpins the market” and encouraging training and development. When the Local Authority is commissioning services it must assure itself the fee levels do not compromise the homecare providers’ ability to:
- meet the statutory obligations to pay the minimum wages; and
  - provide effective training and development of staff; and
  - pay remuneration that is least sufficient to comply with the national minimum wage legislation for hourly pay or equivalent salary. This will include appropriate remuneration for any time spent travelling between appointments
- 2.3 Local authorities must facilitate markets that offer a diverse range of high-quality and appropriate services. In doing so, they must have regard to ensuring the continuous improvement of those services and encouraging a workforce which effectively underpins the market through:
- standards
  - skills
  - qualifications and apprenticeships
- 2.4 It is recognised that the quality of services provided and the workforce providing them can have a significant effect on the wellbeing of people receiving care and support, and that of carers, and it is important to establish agreed understandable and clear criteria for quality and to ensure they are met.
- 2.5 When commissioning services, local authorities should assure themselves and have evidence that service providers deliver services through staff remunerated so as to retain an effective workforce. Remuneration must be at least sufficient to comply with the national minimum wage legislation for hourly pay or equivalent salary. This will include appropriate remuneration for any time spent travelling between appointments.

### 3.0 Recommendation

- 3.1 The proposals detailed in this report are the the Council’s preferred proposals and not its final decision. The Council is required to consult with the market on the proposals outlined in this report before a final decision can be made. A final decision will be taken in the light of a careful consideration of responses to consultation and a detailed consideration of equalities implications, in the light of the consultation.
- 3.2 Officers are proposing to offer an uplift of £0.91 (5.69%) and a further uplift which reflects the NLW or 2% salary increase, dependent on which is the higher for the financial year 2021-2022.
- 3.3 The Homecare Transformation programme has achieved significant cost benefits for the Council, in part through payment of an enhanced hourly rate for homecare, which may be lost if we cannot continue to fund homecare appropriately. The proposed uplift also acknowledges the additional financial costs which Trafford Council may incur, by not applying a reasonable uplift, namely:
- The need to broker packages of care via non-framework providers, at an enhanced rate, during times of peak demand (***in excess of £200k savings against this item***)
  - Lack of capacity for long term care, following a reablement package, leading to over-reliance on rapid homecare and reablement at home packages, which are

commissioned at an enhanced rate (***Homecare Transformation Programme has achieved in excess of £20,000 of savings through reduction in SAMS over 21days***)

- 3.4 There will be an element of rapid discharge and step up homecare service which will be commissioned on an enhanced rate in order to enable the providers to respond within the timescales.
- 3.5 The situation is unclear regarding the NLW, as the Winter Emergency Plan replaced the Autumn Budget. The Low Pay Unit have recommended an increase of 15 p per hour. This uplift is higher than this , reflecting the Council’s commitment to the Ethical Care Charter for homecare providers
- 3.6 These calculations are within the available budget and reflect the Council’s commitment to the Ethical Care Charter

**4.0 Proposal Summary**

- 4.1 The proposed uplift allows us to offer a sustainable rate to our providers to deliver a co-produced service which enables us to embed a neighbourhood and lead provider model. Furthermore, it provides a sound rationale which acknowledges the actual costs incurred by homecare providers in the delivery of their services.
- 4.2 The final model will be based on co-production with the market to ascertain what they are able to deliver within the revised parameters of the hourly rate.
- 4.3 In the opinion of officers, subject to consideration of consultation responses and further consideration of equalities issues, but having already engaged to a considerable extent with local providers, approval of the proposed option will enable providers to meet the requirements of additional inflationary pressures, whilst still remaining within the approved budget.

**5.0 Other Options**

5.1 The main alternative options available to the Council are as follows:

| Option                        | Advantages   | Disadvantages   |
|-------------------------------|--|---|
| Do not apply an annual uplift | No additional cost to ASC homecare budget<br>No additional procurement resource for contract variation | <ul style="list-style-type: none"> <li>• Providers may experience difficulties in paying their staff the required minimum wage, should a national uplift be applied</li> <li>• Without a financial uplift which takes into account inflation, the market will be destabilised and people may go without care due to lack of capacity as providers withdraw from framework</li> <li>• Staff turnover will potentially increase</li> <li>• Local providers will lose workforce to neighbouring local</li> </ul> |

|                       |  |   |
|-----------------------|--|---|
|                       |  | <p>authorities</p> <ul style="list-style-type: none"> <li>We may incur additional costs as a result of market instability</li> </ul>  |
| Apply a lower uplift  | Reduced cost to ASC homecare budget                    | <ul style="list-style-type: none"> <li>If we don't apply an uplift which takes into account inflation, the market will destabilise and all of the above disadvantages will apply</li> </ul> |
| Apply a higher uplift | Potential for increased market and workforce stability | <ul style="list-style-type: none"> <li>Increased cost to ASC budget which may not be sustainable</li> <li>Increasing funding does not necessarily increase quality.</li> </ul>              |

## 6.0 Consultation

6.1 The Council is planning to consult with the public around the model for the future prior to procurement and the hourly rate will form an important part of this prior to the determination of a final proposal.

## 7.0 Reasons for Recommendation

7.1 The Council is required to consult with the public on the proposals detailed in this report before a final model can be proposed for formal approval.

**Key Decision** (as defined in the Constitution): No


**If Key Decision, has 28-day notice been given?** Not applicable

**Finance Officer Clearance N.Bishop**

**Legal Officer Clearance D Sykes**

**CORPORATE DIRECTOR'S SIGNATURE** (electronic)

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.



## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 26<sup>th</sup> October 2020  
**Report for:** Decision  
**Report of:** Executive Member for Adult Social Care

### Report Title

Fair Price for Care for Older Peoples' Residential and Nursing Homes 2021-22

### Summary

Every year the Council sets a Fair Price for Care which determines the bed rate for the following financial year.

The pandemic has demonstrated the ability of all of our care providers, in particular nursing and residential care to respond flexibly to the changing needs of their residents and the demands of hospital discharge. COVID confirmed the position of good residential and nursing care for people with more complex and changing needs as a key element of our care market, both now and for the future. Despite this, the impact of COVID has increased the vacancy levels across the market. Moving from a position of a market with a waiting list for most beds to a market with high levels of vacancies which threaten the sustainability and stability of the market. Vacancy levels have fallen not just as a result of deaths, but also as a result of a loss of confidence in the self-funding market. Many market analysts predict that the market will take over 2 years to recover. The pandemic also prompted an acceleration of our ambition to move the point of decision making about long term care out of hospitals into the community, and in particular, deliver an enhanced model of care to people in their own homes as the hospitals focused on intensive support to seriously ill patients with COVID.

During the height of the pandemic the Council and the CCG supported the sector, utilising additional monies given to the Council to pay an enhanced rate for commissioned beds, subsidising the impact of vacancies, providing free PPE and refunding the difference in PPE costs. Unfortunately the Council and the CCG are not funded sufficiently to be able to support the market outside of the usual commissioning of beds to meet residents' needs. This is both because the number of beds in Trafford far exceeds the demand for social or health care funded beds and affordability. In order to promote a transparent approach, the Council, as lead commissioners for health and social care, will develop a dynamic procurement system which will be operational from April 2021. This will be co-designed with local providers within procurement flexibilities, and will give Trafford providers opportunities to bid to deliver services within lots which should support provider sustainability by diversifying or changing service models. Our quality requirements will be defined jointly with providers and clearly expressed during that process.

Underpinning the development of a dynamic purchasing system to secure provision to meet residents' needs will be the agreed bed rate for 2020/2021 - this year we will return to the % uplift formula used in previous years. In the absence of an announced uplift in the NLW, we continue to work towards the Ethical Care Charter, offering an increase of 2% for people on the National Living Wage. . This is based on the Low Pay Unit recommendation of a minimum of an increase of 15p an hour, and equates to an increase of 18p an hour. Providers will be expected to pass this increase onto their staff. The remainder of the uplift will be based on October's RPI, when that figure becomes available. The August figure was 0.50%.

Further consultation with the residential and nursing care home providers is required before a final proposal can be presented for formal approval.

**Recommendation(s)**

That the Executive approves the following for consultation, and further consideration in the light of consultation:

1. an inflationary uplift for existing purchased Residential and Nursing Home beds based on increases announced for the NLW or 2%, whichever is the higher and the RPI as at October 2020 for 2021/22.
2. an increased price of £560 for spot purchased residential beds plus the inflationary uplift and £626 for spot purchased nursing beds plus the inflationary uplift.

Contact person for access to background papers and further information:

Name: Karen Ahmed  
 Extension: 1890

Background Papers: None

|  |   |
|--|---|
| <p>Relationship to Policy Framework/Corporate Priorities</p> | <p><b>Low Council Tax and Value for Money</b><br/> <b>Services focused on the most vulnerable people:</b> This is a targeted service provided to the most vulnerable people, following a social care assessment.<br/> <b>Trafford Together Locality Plan :</b> We are working towards an integrated plan to align budgets for residential and nursing care to stabilise costs.</p>  |
| <p>Relationship to GM Policy or Strategy Framework</p>       | <p>The GM Living Well at Home Delivery Group is a joint programme which brings together a number of social care and health led work streams related to activities around home care and residential and nursing care homes into one coherent and co-ordinated programme. The Delivery Group is chaired by Diane Eaton and Mark Fitton (the DASS from Stockport).</p> <p>This new approach enables the development of clear care pathways designed to support people to live as independently in their own homes for as long as possible. The impact of this will be to prevent the disruption to people’s lives and relationships by reducing the need for a move to residential care for all but the most vulnerable and complex residents.</p> <p>Across GM, there are over 560 residential and nursing homes with over 19,000 beds. These homes make a significant contribution to the functioning of the health and care economy but there is significant variation in the level of quality, responsiveness, and adaptability. Last year GM established quality targets, based on CQC ratings, and these will be reviewed in line with the changing regulation framework. The ambition to have a high performing residential and nursing care sector remains.</p> <p>GM is currently focused on maintaining market stability, and a number of boroughs have already lost some of their care homes. As the intention is to move away from traditional nursing and residential care homes, this will involve some reshaping and diversification of the market.</p> |

|  |  |
|--|--|
|  | <p><b>Commissioning Strategy and Market Position Principles:</b><br/>Our vision for the market and our commitment to coproduction is articulated in “Trafford Together,” our locality plan. This is a jointly agreed document which sets out the system wide changes we need to make to achieve our ambition over the next 5 years. This plan will be consulted upon during the year of engagement. The plan states that “In Trafford under the banner of the ‘Living Well at Home Programme’ we will integrate service provision to ensure better outcomes for Trafford residents and the ‘system’ in which we operate. We will adopt the principles of the locality plan by delivering person centred care that preserves independence by supporting more people to remain at home. We will continue to reduce admissions to residential and nursing care.<sup>1</sup></p> <p><b>Housing Strategy and Ageing Well:</b> We are working very closely with our colleagues in housing strategy and in public health to look at a number of different options to support people living in the community with a wide range of needs so that people only enter residential care when they need that level of care and support, rather than because their living accommodation does not meet their needs or they are lonely. These approaches are articulated in our Ageing Well and new Older Peoples Strategies.</p> |
| Financial  | The proposed uplift based on increases to the NLW or 2%, whichever may be higher, and RPI for other costs would be met from within the overall allocation for inflation and demography in the Medium Term Financial Plan (MTFP) that has been allocated to the Adult Social Care budget for 2021/22.   |
| Legal Implications:                                | The legislative requirements are detailed in the report.   |
| Equality/Diversity Implications                    | <p>Decision-makers are under a legal duty to have due regard to the need to eliminate discrimination against care home residents (as well as providers/staff), promote equality of opportunity between such persons and others and foster good relations between such persons and others. Therefore, it is important to take care that all the new rates are adequate to promote a diverse and high quality care home market, in particular because of the risk that otherwise there could be an adverse impact on the welfare of vulnerable residents and/or staff and their ability to enjoy a quality of life comparable with those less vulnerable.</p> <p>Vulnerable residents include in particular the elderly, women and disabled persons. Staff are largely female.</p> <p>Decision-makers need to be satisfied that both the lower and higher rates are adequate for the welfare of residents and staff.</p> <p>A fuller report on equality/diversity implications will be submitted together with the results of consultation.</p>  |
| Sustainability Implications                        | Not applicable.  |
| Resource Implications e.g. Staffing / ICT / Assets | Not applicable.  |
| Risk Management Implications                       | The key risks for Trafford are around maintaining a sustainable care market within a nationally very fragile social care market. Nationally and local, the fragility of the market, particularly those relying on self-funders as a source of  |

<sup>1</sup> Trafford Together Locality Plan v.6.11.19, para 6.14, p33

|                                 |   |
|---------------------------------|---|
|                                 | income, has increased.as the public have lost confidence in care homes. In order to do this we must set an appropriate inflationary uplift which enables providers to meet all reasonable costs incurred in providing services.   |
| Health & Wellbeing Implications | Our residents are assessed as requiring residential or nursing care home provision when they are no longer able to live safely at home. It is essential to have a sufficient supply of residential and nursing care homes to meet our residents' health and well-being needs. |
| Health and Safety Implications  | Not applicable  |

## 1.0 Background

- 1.1 COVID has changed the social care landscape dramatically within Trafford and Greater Manchester. Through the necessity of moving complex care closer to where someone lives, whether that is in their family home, extra care or a care home, the health and social care system has developed a way of delivering services to enable people to remain in their own homes for as long as possible, only having to move to a bed based service such as a hospital or care home when it is absolutely necessary. This approach has been supported across Trafford for a number of years and by the wider social care market, with new homecare models which can provide an immediate response at the point of discharge and care home providers taking on more complex people and supporting them through the D2A process in an effective way – both enabling robust pathways to enable people to return home as soon as they are able with support packages where required.
- 1.2 During COVID, the Council and CCG have offered the social care market, especially the residential and care sector significant levels of support, keeping in contact with the sector on a daily basis and providing regular updates as the guidance changed. Financial support took the form of enhancing commissioned bed rates, compensating for vacancies, meeting any increased costs of Personal Protective Equipment (“PPE”) and the provision of PPE. The sector have had access to specialist Public Health advice, and advice and training from the Infection Prevention and Control team. The CCG reconfigured services and commissioned clinical support which was available 24/7 to support care homes through this difficult time. The sector responded positively to the challenge providing care and support to their residents during very difficult circumstances, implementing guidance and adapting the care they provided, often physically, to enable good infection prevention and control, and safe visiting.
- 1.3 Until recently, the biggest challenge nationally and locally to the care sector was recruiting and retaining staff, particularly trained and qualified nursing staff. With the level of redundancies and the uncertainty in the hospitality sector, employment in the care sector is more attractive, and our providers now report finding it much easier to recruit – and the hospitality sector has a significant number of transferrable skills related to customer care which have started to enhance the sector. The provision of nursing staff, however, still remains a challenge, but presents less of an issue than before.
- 1.4 The main challenge for our care homes now is the loss of public confidence in the sector. Despite the fantastic job that the sector has done during the height of the pandemic earlier this year, and the public celebration of the contribution of care sector, positive stories on the national and local news and the recognition of the way in which homes protected and maintained caring services in the most difficult of circumstances by families, care homes are no longer seen by the wider public as a desirable location in which to receive care. This has had a marked effect on our care homes which rely on self-funders purchasing over two-thirds of the beds in Trafford, often at significantly higher prices than the Council or the CCG can afford.
- 1.5 As a system, we are monitoring the level of vacancies that exist in general across the sector and in individual care homes. The Council has previously set out our strategy to develop block arrangements, both for Discharge to Assess (“D2A”) beds and for permanent placements, and that has been formalised through a formal procurement process. The Council and the CCG continue to support the homes through advice, information, training, speedy passporting of Government funding and ensuring adequate supplies of PPE.
- 1.6 We have noted on numerous occasions that the residential and nursing care market does not reflect the needs of all of our residents. Trafford’s JSNA highlights the wide disparity in Life Expectancy (LE), Healthy Living Expectancy (HLE) and Disability Free Life Expectancy (DFLE) across the borough. HLE



and DFLE are important measures of morbidity, including co-morbidity, and impairments which may affect the ability to carry out everyday activities – it is this proportion of the population who are most likely to require health and social care support, and it is these residents, who are some of our most vulnerable and needy, who are not catered for by much of the market. Many Trafford residents need more high level and complex nursing care – this results in the Council, and the CCG continually, having to source placements outside of Trafford, so that people with complex needs can receive the care they need. Unfortunately this situation remains.

- 1.7 We therefore propose to develop a Dynamic Purchasing System for Trafford, similar to the one that was developed across Greater Manchester for Learning Disabilities. This framework will enable us to commission beds within a framework of lots –each designed to meet the needs of local residents, such as complex care, D2A, innovation. Underpinning this will be the development of a model of care, co-produced with our local market which resets the offer in care homes, building on the potential to deliver care in a homely setting rather than an institutional way and embracing an enhanced model of individualised care. This approach will build on international models such as the Green House, national models such as My Care Home and local examples of best practice – all of which build on the assets of older people and enable our older residents to remain connected in various ways to the local community. As we enter the care market ourselves, Trafford Council will have the opportunity to test out some of these ways of working with local providers identified through a procurement process.
- 1.8 The Council has engaged annually with the market to agree a “Fair Price for Care”. The previous approach relied heavily on providers disclosing their make-up of their budgets in order to ascertain the costs pressures that the market was experiencing. However, year on year the number of respondents dropped considerably, rendering this approach unhelpful. So from 2018/2019 onwards, we used a different methodology to determine an inflationary uplift to set a new bed rate. Based on previous years’ submissions and CIPFA guidance, we estimated the impact of the National Living Wage on the staffing element of the budget, and the impact of the Retail Price Index on the remainder of the budget. This calculation was then used to inform the proposed inflationary uplift. The new bed rate was then used as a benchmark in making placements, but some providers in the market chose to set their own bed rates which were always in excess of the Council bed rate
- 1.9 Last year, providers requested that we apply a more detailed methodology in order to set a new bed rate. In line with this, we developed a new approach, as we recognised, through dialogue with providers and an analysis of budgets shared with us by providers during the year, that a more complex approach relevant to Trafford which reflected land and capital costs would enable us to reach a more accurate bed price. In order to determine an appropriate bed rate, we requested information from providers to ensure a more flexible approach. Whilst the response was low, the information garnered, when triangulated with an analysis of the cost of current bed rates, and an analysis of bed prices for both exitors and new entrants to placements, was sufficient to enable us to develop a different approach for a Fair Price for Care in 2020/21.
- 1.10 This year we are in a very different position because of the financial impact of COVID. Instead, of an Autumn Budget, the Chancellor announced a Winter Economy Plan announced on the 24 September 2020 focused on supporting the wider workforce where people were financially disadvantaged because of COVID. No mention was made of the NLW. The Council will return to offering an inflationary uplift for 2020/2021.
- 1.11 The Low Pay Unit have recommended a minimum of 15p increase an hour.
- 1.12 The Council have decided to offer an increase of 2% which equates to 18p per hour for those on the NLW. This demonstrates the Council’s commitment to the Ethical Care Charter. Providers will be expected to pass this increase directly on to their staff. Should an announcement be made on the NLW which is higher than the 2% proposed then this would be offered.
- 1.13 The Council based the inflationary uplift on the RPI rate for October. This has yet to be announced. The RPI for August was 0.5%
- 1.14 We are therefore proposing, subject to consultation, that the offer this year will be based on a calculation of an increase based on those figures. We will retain the rebased rate for new spot purchased beds. The detail is as follows:
  - 1.14.1 An inflationary uplift for existing purchased Residential and Nursing Home beds based on increases announced for the NLW or 2%, whichever is the higher and the RPI as at October for 2021/22.

- 1.14.2 An increased price of £560 for spot purchased residential beds and £626 for spot purchased nursing beds plus the inflationary uplift.
- 1.14.3 Our 1:1 rate will be aligned with the CCG 1:1 rate as we move to more of an integrated approach
- 1.14.4 Nursing beds will still attract the FNC payment which is funded by the CCG.

## 2.0 Legal Context

2.1 The Care Act 2014, from 1st April 2015, replaced the piecemeal legislation across the previous sixty years. The Care Act 2014 gives effect to, amongst other things, the following provisions:

- Requiring the Council to promote individual wellbeing and apply the wellbeing principle in all cases where a local authority is carrying out a care and support function, or making a decision, in relation to a person.
- Requires the Council to ensure the provision or arrangement of services, facilities or resources to help prevent, delay or reduce the development of needs for care and support or less restrictive options to meet needs.
- Requires that the Council must promote the efficient and effective operation of the local market in services for meeting care and support needs with a view to ensuring that people have a variety of providers to choose from, who between them provide a variety of services; have a variety of high quality services to choose from; and are given sufficient information to make an informed decision about how to meet the needs in question..
- The Act places new duties on local authorities to facilitate and shape their market for adult care and support as a whole, so that it meets the needs of all people in their area who need care and support, whether arranged or funded by the state, by the individual themselves, or in other ways.
- Specifies the requirements of a personal budget prepared for each adult needing care or support itemising the cost of meeting assessed need and individual financial assessment in terms of actual payment.
- Entitles an adult to express a preference for particular accommodation.

2.2 In addition to these provisions, the Council has a responsibility for market shaping as prescribed by the Act. Supplementing the Care Act 2014, there is further legislative provision and statutory guidance which has been issued by the Department of Health. The effect of the Act, regulations and guidance, is to require the Council to facilitate and shape their market for adult care and support as a whole.

2.3 The Care and Support Statutory Guidance issued under the Care Act 2014 states that local authorities must focus on outcomes when pursuing market shaping and commissioning. The relevant chapter of the guidance is set out in full at Appendix A of this report. In summary the principles which should underpin market-shaping and commissioning activity are:

- focusing on outcomes and wellbeing
- promoting quality services, including through workforce development and remuneration and ensuring appropriately resourced care and support
- supporting sustainability
- ensuring choice
- co-production with partners

The steps which local authorities should take to develop and implement local approaches to market-shaping and commissioning are:

- designing strategies that meet local needs
- engaging with providers and local communities
- understanding the market
- facilitating the development of the market
- integrating their approach with local partners
- securing supply in the market and assuring its quality through contracting

2.4 The above replaces the previous legal framework under the National Assistance Act 1948. Whilst under the National Assistance Act 1948 the Council was under a requirement to settle the usual cost with care providers, the Care Act 2014 and guidance does not require this. However, the Council is under very similar obligations under the Care Act to the National Assistance Act 1948 as it is required to consider

the cost of care and engage with the providers. Thus it remains lawful and is a useful tool in market shaping and complying with choice regulations.

The Care and Support Statutory Guidance also requires the Council to have regard to a number of matters including, in particular the Adult Social Care Outcomes Framework, Commissioning for Better Outcomes, the Think Local Act Personal partnership agreement/guidance on co-production, the Building Capacity and Partnership in Care Agreement, the Council's own JSNA (Joint Strategic Needs Assessment) and Market Position Statement, the Local Government Association's Adult Social Care Efficiency Programme and HM Treasury's guidance Managing Public Money, the NAO guidance, the Public Services (Social Value) Act 2012, the Developing Care Markets for Quality and Choice website and Supporting Local Authority and SME Care Provider Innovation and Collaboration. The officers who have drafted this Report have taken these matters into account.

Specifically, at paragraph 4.31, Chapter 4 of the Care and Support Statutory Guidance the Council's attention is brought to the UK Home Care Association Minimum Price for Homecare, the Laing and Buisson toolkit to understand the fair price for residential care and the Association of Directors of Adult Social Services Paying for cCare calculator (which is no longer available). So far as it remains available, officers have considered these and other toolkits, together with key non-statutory guidance, Working with care providers to understand costs. The latter states that, for commissioning sustainable care to be a practical reality, council officers and elected members need to be confident that each social care commissioning decision results in:

- effective, quality services delivered to people with care and support needs
- a fair deal for care providers
- good value for public money.

and is informed by considerations of:

- long-term sufficiency of supply
- affordability and efficiency

In order to achieve this, the IPC Cost of Residential care Toolkit – “Lets agree to agree”: A toolkit for commissioners and providers to agree the cost of residential and nursing care for older people, August 2018 was chosen as this toolkit reflects the contemporaneous pressures on the national market, and the Trafford market in particular.

### **3.0 Our Commissioning Approach**

3.1 The Fair Price for Care for 2021/22 is set within our recovery from wave one of the pandemic and in planning our reform for the future. It is also set at a time of rising infection rates.

3.2 Last year we set our intention to work collaboratively with Greater Manchester commissioners and local providers to develop a sustainable approach to managing the market and working towards a local bed price which is both equitable and sustainable. We proposed continuing to reduce our call on the permanent residential and nursing sector provision as we strengthen our reablement approach which includes of course, D2A beds. The impact of improved reablement approaches was seen during the pandemic and we have continued to see our figures of new placements drop from year to year. Alongside this, our care homes have lost residents due to the pandemic and other factors, and due to the public perception of the risks have failed to attract the number of new referrals that it had grown used to over the years.

3.3 We have continued to directly commission care through informally agreed block arrangements and we have purchased two care homes. We are now seeking to formalise the block arrangement approach through a number of procurement activities. We recognise that the care market in Trafford, composed of small and medium sector providers may never have bid for contracts before and so STAR Procurement will be offering training for our providers so that they can navigate CHEST and submit the best bid possible. This will describe our ability to shape the market to deliver the kind of care we want to see in Trafford – in terms of quality, complexity and diversity. The block arrangements will provide a guaranteed income for the life of the contract and will contribute to the financial stability of the market. However, because of the financial limits of the Council and CCG's budgets, there will be a financial limit to the bed rates paid, and we will use our Fair Price For Care bed rate as a benchmark.

3.4 The development of the Dynamic Purchasing System also enables us to enter into a dialogue with our residential and nursing care home market to think differently about the future, building on the flexibility and resilience they have demonstrated during the first wave response to Covid 19, and utilising

the assets of their building and enhancing the skills of their staff team to deliver different models of care. This will enable us to change the view of care homes as a destination – a place where older people go to live out their final years when they have exhausted all other care opportunities – and to refocus the care home offer to develop such models as shared care, extra-care plus, inreach and outreach models of service delivery with the aim of:

- Developing the care home offer to better sit within an asset based neighbourhood commissioning approach
- Reconstructing the configuration of services to enhance a person centered approach where the design principles are focused on the person and their home not on slotting people into services.
- Offering alternatives which reduce the need for hospital admission and ensure timely discharge
- Reconfiguring care homes as a community resource and part of the care journey
- Increasing carer sustainability
- Increasing community connections and natural supports
- Improving service quality and residents' independence and well-being
- Reducing the call on primary care and mental health services

3.5 Where our providers choose not to bid for any of the lots and the Council is unable to meet the requirements of our residents, we will source the best options available through approaching other providers within close reach of Trafford, ensuring that family members are still able to visit once restrictions have eased.

3.6 Throughout COVID, providers have changed their approach to bed prices – with some providers initially requesting rates in excess of £1,000 per bed, per week for D2A beds. Because of the additional funding from the Government, and the urgency with which we needed to establish robust discharge routes, the Council could afford this. However, this is no longer the position, and any bed rates need to be affordable long term. Interestingly, in the past, established providers were able to charge lower rates as they did not have the capital and land charges of the newer, generally more expensive providers. This did change at the beginning of COVID with some established providers charging equivalent rates to the new providers – this, however, was not a shared position across the sector, and some homes continued to charge what they would normally charge the Council.

3.7 The disparity in beds rates between our new and our established providers continues, but may well narrow in the future as providers seek to recoup the losses experienced by the lack of self-funders. Unfortunately this will not be affordable, and so we will continue to maintain the Fair Price For Care approach established last year which attempts to bring a fair and equitable approach to the market, and ensure that the providers who currently charge a lower rate for new placements are not disadvantaged or financially destabilised by maintained our two pronged approach. In addition we will seek to work with the market to diversify to bridge any financial gap.

3.8 This year we are in a very different position because of the financial impact of COVID. The Chancellor of the Exchequer did not announce an Autumn Budget this year. Instead, the Winter Economy Plan announced on the 24 September 2020 focused on supporting the wider workforce where people were financially disadvantaged because of COVID.

3.9 The bed rate for new placements was significantly uplifted to reflect the costs of Trafford homes in 2020/21, in particular costs associated with land and capital. This rebased rate plus inflation will remain for all new placements.

3.9 The continuation of the two-pronged payment rates plus an inflationary uplift should contribute to the stabilisation of the market, together with the commissioning and planned procurement activity, and is considered to be a fair payment for the cost of care taking into account (i) the financial information provided by care home providers, at the council's request, specifically for the purpose of assessing fair standard rates for 2020/21; (ii) financial information provided in previous years; (iii) financial and other information provided by care home providers in 2019 in one-to-one discussions with the council; (iv) the council's historical payments and regional payments, and the extent to which providers have accepted them; (v) the strength of the market locally; (vi) CQC ratings locally; (vii) inflationary pressures, in particular the RPI; (viii) moving to a formally procured block approach and developing innovative and diversified ways of working; (ix) the differences between more established and newer providers, in particular in terms of their financial models; (x) the need for best value; (xi) the desirability of prudence at a time of financial austerity alongside the need and duty to promote a diverse, high-quality market; (xii) central government and local policies, referred to in the body of this Report; (xiii) the professional opinion of council officers..

**4.0 Market Factors**

- 4.1 The residential and nursing care home market in Trafford has been awarded a cumulative uplift of 18.67% over the previous five years (3.8% in 2016/7, 3.2% in 2017/18, 3.88% in 2018/19, 3.96% in 2019/20 and 3.83% in 2020/1 plus a rebased bed rate for new spot purchased beds).
- 4.2 Discussions have taken place across Greater Manchester to determine the likely inflationary uplift to be offered to providers and where available, these have been taken into account. Officers have also taken into account standard care home rates paid regionally, up to the present time.

**5.0 Recommendations for consultation and Rationale**

**5.1 Existing Residential and Nursing Beds**

The offer would take into account pressures due to the Retail Price Index (RPI) and either the increase to the NLW or 2%, whichever is the higher. This will form the basis of the inflationary uplift.

5.2 The current rates are as follows:

| Category             | 2020/2021<br>£ |
|----------------------|----------------|
| Residential          | 483.72         |
| Residential Dementia | 521.61         |
| Nursing              | 535.61         |
| Nursing Dementia     | 602.09         |

**5.3 New Spot Purchases**

- 5.4 The increased price of £560 for Residential and £626 for nursing plus the inflationary uplift.
- 5.5 The impact on the budget of increases to revised rates would be met from within the overall allocation for inflation and demography in the Medium Term Financial Plan (MTFP) that has been allocated to the Adult Social Care budget for 2021/22.

**6.0 Options**

- 6.1 **Option 1** The Council and the Clinical Commissioning Group do nothing. This is not the recommended option. The social care market has been recognised nationally as being extremely fragile and the Council has a statutory duty to maintain market stability and sufficiency under the Care Act 2014. Not providing an inflationary uplift at a time when providers have a higher than usual number of vacancies would only destabilise the market further. In addition, people are living longer with very complex health care needs and Trafford requires a robust and skilled workforce to continue to provide high quality care to some of the most vulnerable people in our community.
- 6.2 **Option 2** The Council applies an inflationary uplift to all beds, and withdraws the offer of a rebased bed rate as established in 2020. Whilst this option is affordable, it means that the Trafford bed rate will have limited relevance to the Trafford market. Some beds can still be purchased at our bed rate, but these are less and less available as current placements end, and providers apply inflated rates to new placements. We would therefore be in the position of trying to source beds outside of Trafford because of price, rather than choice or need and asking residents to financially contribute the difference in price, which may be an unaffordable or excessive burden on our residents.
- 6.3 **Option 3 : Recommended Option**

The Council offers an inflationary uplift for both existing beds, and the 2020/21 rebased spot purchased bed rates..

This approach offers an affordable way of managing the increase in bed prices demanded by Trafford residential and nursing care homes for new beds and maintains financial stability. It offers a reasonable contribution to the land and capital costs incurred by providers. It will enable providers to continue to, meet the National Living Wage, work towards the Manchester Real Living Wage and the requirements of the Ethical Care Charter, positively impacting on recruitment and retention rates. In addition it will enable Trafford residents to continue to choose beds in Trafford which meet their needs, and indeed have a wider choice, and families will be asked to contribute amounts which are more affordable should they choose homes above the bed price. It is important to emphasise that the lower rates for existing placements are considered to represent a fair price, that also covers care providers' costs in such cases, taking into account all those matters set out above, at para 3.9.

This option is recommended as the Council's preferred option for consultation. As decision-makers will be aware, it will be necessary to carefully consider the responses to the consultation, and a fuller report on the equalities implications, before reaching a final decision on which option to pursue as part of the budget, and as to the detailed content of that option.

6.4 Officers recommend adopting Option 3. We are therefore proposing that for 2021/22, we develop an approach to market sustainability and sufficiency in Trafford which is based on a number of components:-

- enabling those people who require support to remain at home for as long as possible, strengthening our approach to reablement and discharge to assess to enable people to convalesce fully, regaining and improving their skills and confidence.
- providing residential and nursing care in Trafford for Trafford residents through our own services
- developing block arrangements with providers through a formal procurement process to maintain a guaranteed income through the life of the contract
- identifying opportunities for diversification, including offering local care for more complex residents and different and enhanced models for delivering care.

6.5 In the opinion of officers, subject to consideration of consultation responses and further consideration of equalities issues, but having already engaged to a considerable extent with local providers, approval of Option 3 will enable providers to meet the requirements of additional inflationary pressures, whilst still remaining within the approved budget. It will give Trafford a bed rate that is acceptable to providers and enables residents to have more choice. The Fair Price For Care approach together with all the other components, including block contract arrangements, will enable more choice locally for Trafford residents.

6.6 The proposals detailed in this report are the Council's preferred proposals and not its final decision. The Council is required to consult with the market on the proposals outlined in this report before a final decision can be made. A final decision will be taken in the light of a careful consideration of responses to consultation and a detailed consideration of equalities implications, in the light of the consultation.

## 7. Consultation

7.1 The Council is intends to consult as detailed in this report.

## 8. Reasons for the Recommendation

8.1 The Council is required to consult with the public on the proposals detailed in this report before a final proposal can be presented for formal approval.

**Key Decision** (as defined in the Constitution): No

**If Key Decision, has 28-day notice been given?** Not applicable

Finance Officer Clearance ...NB.....

Legal Officer Clearance DS .....

[CORPORATE] DIRECTOR'S SIGNATURE (electronic)

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.



A handwritten signature in black ink, enclosed in a thin black rectangular border. The signature is cursive and appears to read "D. J. Eaton".

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## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 26 October 2020  
**Report for:** Noting  
**Report of:** Executive Member for Public Safety, Governance and Reform.

### Report Title

**Licensing Act 2003 – Statement of Licensing Policy – 2021-2026**

### Summary

The Council is required to prepare, consult on and publish a Statement of Licensing Policy every five years.

The policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions.
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough.
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions.
- 4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives.
- 5) To support decisions made by the Council when these decisions are challenged in a court of law.

The Council's current policy has been updated to reflect changes in legislation and best practice since it was last reviewed in 2016. This includes practice on including local ward Councillors in consultations for a new premises licence or full variation applications; expanded detail on measures to promote the licensing objectives; a section on Child Sexual Exploitation advice; promotion of other strategies including a 'Reduce the Strength' strategy; expectations for organisers of White Collar Boxing Events; Counter Terrorism Measures; a new Pool of Conditions to assist applicants and members of the Licensing Sub-Committee; guidance on the Immigration Act; and detail on the pre-application consultation service with officers of the Licensing Authority.

As part of the review of this policy, consideration is required on whether, or not, to keep the special licensing policy on cumulative impact.

In accordance with Government Guidance, a full consultation process was undertaken from 29th June 2020 to 18<sup>th</sup> September 2020.

The Council received six responses to the consultation, which includes three individual responses, a response from Public Health, the ward Councillor for Gorse Hill, and the Altrincham Town Centre Partnership & Altrincham Bowdon Civic Society.

Attached to this report is the draft report for consideration by Full Council, together with the proposed Statement of Licensing Policy 2021-26, a schedule of amendments to the policy and full details of all representations received during the consultation, this includes the consultation responses and the consultation summary report.

### **Recommendation(s)**

It is recommended that the Executive

- Note the content of the report; and
- Recommend to Council that it approve the revised Statement of Licensing Policy as attached at **Appendix F**.

### **Contact person for access to background papers and further information:**

Name: Joanne Boyle – Licensing Team Leader  
Keiran Hinchliffe – Senior Licensing Officer  
Contact: 07812494128 or licensing@trafford.gov.uk

Background Papers: None

Appendices:

|                   |   |
|-------------------|---|
| <b>Appendix A</b> | Statement of Licensing Policy – 2016-2021                   |
| <b>Appendix B</b> | Summary of Amendments                                       |
| <b>Appendix C</b> | Consultation Document Statement of Licensing Policy 2021-26 |
| <b>Appendix D</b> | Consultation Summary Report                                 |
| <b>Appendix E</b> | The Council's Response to the Consultation Summary          |
| <b>Appendix F</b> | Statement of Licensing Policy 2021-26 for Approval          |
| <b>Appendix G</b> | Equality Impact Assessment                                  |

|   |  |
|---|--|
| Relationship to Policy Framework/Corporate Priorities | <i>Having a Policy on how the Council will administer its functions under the Licensing Act 2003 makes the processing of applications more efficient by giving residents, applicants and decision makers clear guidance on what factors will be taken into</i> |
|---|--|

|   |   |
|---|---|
|   | <i>consideration when making decisions.</i>   |
| Relationship to GM Policy or Strategy Framework     | <i>None</i>   |
| Financial   | <i>The revised Statement of Licensing Policy is not expected to have any financial implications for the Council.</i>  |
| Legal Implications:                                 | <i>Section 5 of the Licensing Act requires the Council to publish a Statement of Licensing Policy and review it every 5 years.</i>  |
| Equality/Diversity Implications                     | <i>An Equality Impact Assessment was undertaken – Copy attached at <b>Appendix G</b>. The assessment identified no adverse impacts of adopting the revised policy.</i>  |
| Sustainability Implications                         | <i>None</i>   |
| Staffing/E-Government/Asset Management Implications | <i>None</i>   |
| Risk Management Implications                        | <i>None</i>   |
| Health and Wellbeing                                | <i>The revised policy is intended to address issues in relation to living well, and is intended to help strike the right balance between the development of the night time economy and its potential adverse impact on local residents.</i> |
| Health and Safety Implications                      | <i>None</i>   |

## 1. Background

- 1.1 Section 5 of the Licensing Act 2003 requires that all local authorities review their Statement of Licensing Policy every five years.
- 1.2 In order to determine the review of policy, a licensing authority must consult with:-
- The Chief Officer of Police for the licensing authority's area.
  - The Fire Authority
  - Such persons as the Licensing Authority consider being representative of holders of premises licences issued by that authority.
  - Such persons as the Licensing Authority considers to be a representative of holders of club premises certificates issued by that authority
  - Such persons as the Licensing Authority considers to be a representative of holders of personal licences issued by that authority
  - Such persons as the Licensing Authority consider being representative of businesses and residents in the area.
- 1.3 In accordance with Government Guidance, a full consultation process was undertaken from 29 June 2020 to 18 September 2020. The existing Statement of Licensing Policy is attached as **Appendix A**. Detail of the changes contained within the draft policy is included as a Summary of Amendments at **Appendix B** and this accompanied the published consultation. The Draft

Statement of Licensing Policy 2021-26 which was put out for consultation is attached as **Appendix C**.

- 1.4 A Consultation Summary has been produced as **Appendix D**. And the Council's response to the Consultation Summary is at **Appendix E**.
- 1.5 If approved the policy will come into force on **07 January 2021**, and will remain in force for a period not exceeding five years, and will be subject to review and further consultation before **07 January 2026**. The Council will keep the policy under review, making any amendments as it considers appropriate to support the licensing objectives.

## 2. **Summary of Key Amendments**

### Special Saturation Policy 17.11 – 17.16

- 2.1 A Cumulative Impact Area is a designated zone where evidence has indicated that the number, type or density of licensed premises is impacting adversely on the licensing objectives, namely, crime and disorder, public safety, public nuisance and the protection of children from harm
- 2.2 The Council's current policy includes reference to two Cumulative Impact Areas under its Special Saturation Policy; namely – Altrincham and Sale Town Centres.
- 2.3 When the policy was published in January 2016 cumulative impact was a concept introduced in the Government's Section 182 Guidance issued under the Licensing Act 2003. The Policing and Crime Act 2017, with effect from 6 April 2018, introduced cumulative impact policies into law so that they now have a legal footing.
- 2.4 The Licensing Act 2003 now states a licensing authority may publish a document (a Cumulative Impact Assessment) stating that it considers that the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licences.
- 2.5 A Cumulative Impact Assessment must set out the evidence for the authority's opinion and before publishing the assessment the authority must consult with those affected, including the public, businesses and responsible authorities. The assessment must be reviewed every three years.
- 2.6 The Council consulted on its Special Saturation Policy as part of the review of its Statement of Licensing Policy. The consultation did not provide substantial evidence to maintain a saturation policy for the areas of Altrincham Town Centre or Sale Town Centre. Further, of the responses received only 17% believed that the Cumulative Impact for Sale would promote the licensing

objectives and only 33% believed the same for Altrincham Town Centre. By contrast 67% of the same consultees felt that the new model conditions will help promote the licensing objectives.

- 2.7 It is also worth noting that since the Saturation Policy was included in the Statement it has never been used to object to the grant or variation of a premises licence application in either Altrincham or Sale.
- 2.8 Therefore, the most significant decision to be highlighted is that the proposed policy, which has been amended following the consultation, has removed the special licensing policy on cumulative impact for both Altrincham and Sale Town Centre areas.

#### Promotion of Other Strategies – Reduce the Strength 13.1- 13.4

- 2.9 To coincide with the Council's Public Spaces Protection Order (PSPO) consultation which proposes to ban alcohol being consumed in designated public spaces, this Policy introduces a 'Reduce the Strength' strategy.
- 2.10 This strategy is promoted in the Statement of Licensing policy to encourage new applicants to voluntarily sign up to the scheme which aims to restrict the availability of beer, lager and cider which has an ABV of 6% or above.
- 2.11 This is to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder that is associated with Illegal Street drinking in the borough.
- 2.12 Although the scheme is voluntary, should it be the case that, if there is evidence of street drinking in the area of the premises application, the Licensing Sub-committee now has the option to add a condition that the premises will not sell any beer, lager, or cider that is equal to or greater than 6% ABV.

#### Promotion of Other Strategies – White Collar Boxing 13.5 – 13.6

- 2.13 The rise in the popularity of White Collar Boxing has raised concerns over the safety of events. Trafford Council has developed guidance to encourage safe events in the borough, which will apply to all regulated boxing entertainment and includes such measures as:
- Will there be a Registered Doctor and a Paramedic as a minimum? Has the facility of providing an ambulance been considered for the event?
  - The medical checks that will be carried out on the boxers before and after the fight. It will be expected that all boxers taking part would have a medical card and competition record book. This should detail previous bouts, medical history etc.;
  - How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category.

#### Model Conditions 14.8 – 14.9 & Appendix C

- 2.14 The Policy introduces a new Appendix C which gives details on the Council's Model Pool of Licensing Conditions which will provide a level of consistency to the attachment of conditions to licences.
- 2.15 The Model Conditions will assist applicants to draft their operating schedules which is a document that shows what measures the applicant will put in place to address the four licensing objectives; and which can ultimately become conditions on the licence. The Model conditions will also assist Responsible Authorities when making representations against applications and Members of the Licensing Sub-Committee when deciding what, if any, conditions should be added to a licence if granted.

#### Immigration Act 2016 39.1 – 39.5

- 2.16 The Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017.
- 2.17 The Policy provides guidance on the Immigration Act and how this now applies to Licensing. The Licensing Authority will now work in partnership with the Home Office (Immigration Enforcement) and Greater Manchester Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late night refreshment.
- 2.18 A more detailed summary of all the proposed amendments to the Policy is attached at **Appendix B**.

### **3. Options**

- 3.1 A copy of the Statement Licensing Policy 2021-2026 incorporating all of the proposed changes is attached at **Appendix F**.
- 3.2 The Council has two options:
- it could decide to accept the proposed amendments, in whole or in part; or
  - it could decide not to accept the proposed amendments.
- 3.2 The amendments reflect best practice and changes to relevant legislation introduced since the policy was last reviewed in 2016. If the Council decides not to accept the proposed amendments this would not prevent it from continuing to carry out its statutory licensing functions; however, it would open up the possibility of challenges to the policy on the basis that it is not consistent with current legislation.
- 3.3 It is the view that to adopt the policy as amended in whole would be the best approach for Trafford given that the proposals focus on best practice for promoting the licensing objectives and any updates to legislation since the last review.

3.3 It is appreciated that Members may not be completely in favour of removing the Special Saturation Policy for Altrincham and Sale because of the fine balance between maintaining a safe borough and delivering a thriving town centre. Members can, if considered appropriate, request the Licensing Section carry out a separate consultation on the special licensing policy at any time during the next 3 years, this would be in keeping with the S182 Guidance and the legislation on reviewing special saturation policies.

#### 4. Consultation

4.1 A Consultation Summary has been produced as **Appendix D**.  
A further Summary of Responses from the Council is at **Appendix E**.

#### 5. Recommendation

5.1 It is recommended that the Executive:

- Note the content of the report; and
- Recommend to the Council that it approve the revised Statement of Licensing Policy as attached at **Appendix F**.

**Key Decision** (as defined in the Constitution): No  
**If Key Decision, has 28-day notice been given?** N/A

Finance Officer Clearance *PC*  
Legal Officer Clearance *SL*

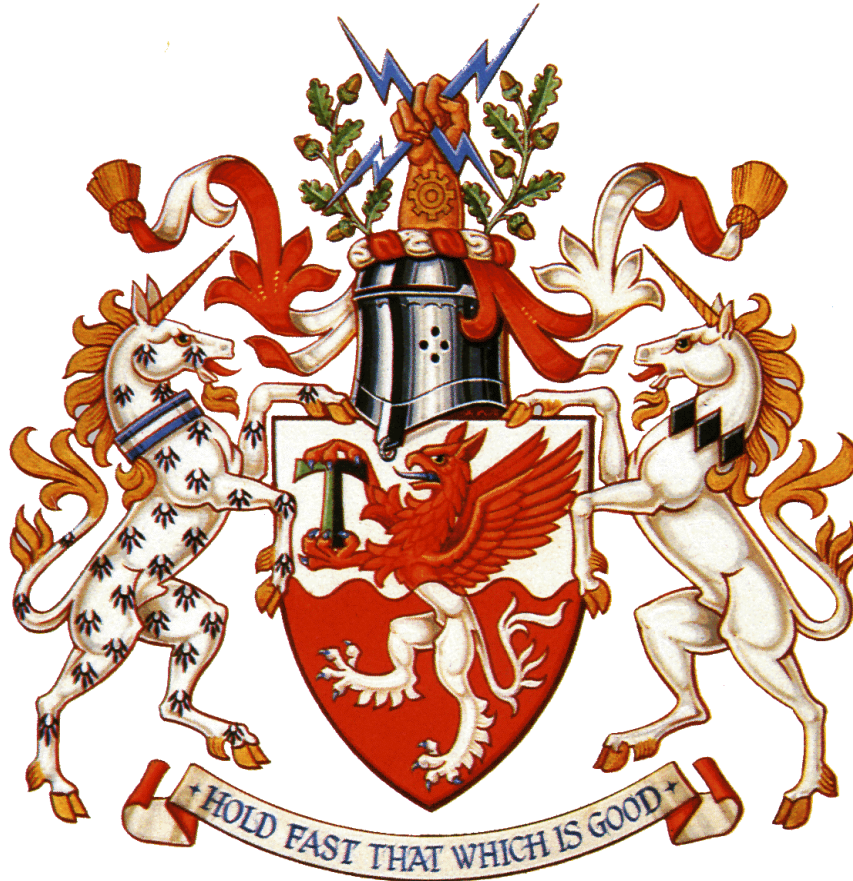
**[CORPORATE] DIRECTOR'S SIGNATURE** (electronic) 

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**TRAFFORD COUNCIL**



**LICENSING POLICY 2016-2021**

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- 1.0 INTRODUCTION AND FUNDAMENTAL PRINCIPLES

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- 1.1 Trafford Council is the Licensing Authority within Trafford, under the provisions of the Licensing Act 2003 (the Act).
- 1.2 Licensing is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act.
- 1.3 The Act requires the Council in respect of each five year period to determine and publish its policy with respect to the exercise of its licensing functions.
- 1.4 This policy comes into force on **7<sup>th</sup> January 2016**, and will remain in force for a period not exceeding three years, and will be subject to review and further consultation before **7<sup>th</sup> January 2021**. The Council will keep the policy under review, making any amendments as it considers appropriate to support licensing objectives.
- 1.5 The Council, in adopting this licensing policy, recognises both the needs of residents for a safe, healthy and sustainable environment to live and work, and the importance of well run entertainment premises to the local economy and vibrancy of the Borough. The Council is committed to partnership working with the Police, fire service, local businesses, licensing trade, local people and those involved in child protection towards the promotion of the common objectives as set out in this policy.
- 1.6 The licensing policy has four main purposes, these are:
  - To reinforce to elected Members on the Licensing Committee the boundaries and power of the Council, and to provide them with parameters under which to make their decisions.
  - To inform the licence applicants of the parameters under which the Council will make licence decisions, and therefore how a licensed premises is likely to be able to operate within Trafford.
  - To inform residents and businesses of the parameters under which the Council will make licence decisions, and therefore how their needs will be addressed.
  - To support decisions made by the Council when these decisions are challenged in a court of law.
- 1.7 The Act also requires the Council to consult various bodies before determining the policy. A list of those who were consulted about this policy is contained in Appendix 4. Due consideration was given to all those who responded.
- 1.8 Every application considered by the Council under this policy will be considered on its merits, and regard will be given to the Guidance issued under Section 182 of the Licensing Act 2003 and any supporting regulations.
- 1.9 Nothing in the policy will undermine the right of an individual to apply for a variety of permissions under the Act and to have any such application considered on its individual merits.

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- 1.10 Nothing in the policy will override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Appropriate weight will be given to all relevant representations. This will not include those that are frivolous, vexatious or repetitious.
- 1.11 In undertaking its licensing functions, the Council will be mindful of other legislation which may impact on the promotion of the licensing objectives, for example:
- Crime and Disorder Act 1998 in particular Section 17
  - The Health & Safety at Work Act etc. 1974
  - The Environmental Protection Act 1990 (as amended)
  - The Regulatory Reform (Fire Safety) Order 2004
  - The Equalities Act 2010
  - Human Rights Act 1998
  - Safety of Sports Grounds Act 1975
  - Town and Country Planning Act 1990
  - Planning & Compulsory Purchase Act 2004
  - Police Reform Act 2000
  - The Police and Crime Act 2009
  - The Anti-Social Behaviour, Crime and Policing Act 2014
  - Violent Crime Reduction Act 2006
  - Health Act 2006
- 1.12 The licensing process can only seek to control those measures within the control of the licensee, and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:
- matters within the control of individual licensees and others who are granted any relevant authorisations;
  - the premises and places being used for licensable activities and their vicinity; and
  - the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 1.13 The licensing authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003.
- 1.14 Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. However, it is recognised that any such positive impact will be as a coincidence of the licensing authority conducting its licensing function under the Act to promote the licensing objectives. Local Health Bodies potentially have access to much

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data that can inform licensing decisions and policy. When such data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the Licensing Sub-Committee in reaching its decision. The licensing authority recognises the impact of alcohol misuse in Trafford and it is hoped that through the implementation of this licensing policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children; this will impact positively on a reduction in child alcohol related health problems. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse.

## 2.0 LICENSABLE ACTIVITIES

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

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

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

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

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

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

## 3.0 LICENSING OBJECTIVES

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

The licensing objectives are:

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

3.2 Each objective is of equal importance.

## 4 AUTHORITY PROFILE

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

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

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

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

4.5 Within Trafford Park there are a number of premises, including the Manchester International Freight Terminal, which is the first point of entry into the UK for food imports from Third Countries.

4.6 Significant shopping areas in Trafford include the INTU Trafford Centre, the 2nd largest shopping centre in the UK, with more than 348,000sq.m. of shopping and leisure space, around 280 shops and more than 50 places to eat, employing over 8000 people, and accounting for 30 million visitors a year.

4.7 There are also shopping centres in Altrincham, Sale, Urmston and at the Stretford Mall, and indoor and outdoor markets across the Borough.

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- 4.8 Trafford is also the home of Manchester United Football Club, Altrincham Football Club and Lancashire County Cricket Club (LCCC). In recent years the cricket club has been a major venue for concerts for major international artists with audiences of up to 50,000.
- 4.9 Other major leisure venues include the Silver Blades Ice Rink in Altrincham Town Centre (home to the Manchester Phoenix ice hockey team), the Chill Factor (the UK's longest real snow indoor ski slope), the Airkix Indoor Skydiving Centre, the Imperial War Museum (North), Event City (the second largest exhibition space outside of London), and the Sea Life Centre Aquarium at the Trafford Centre.
- 4.10 A number of commercial outlets in Trafford now offer licensable activities identified in the Act. In total there are 795 licensed premises in Trafford. This includes 233 off licences and 35 registered clubs. As at the 1<sup>st</sup> April 2015, in Trafford there are 1509 restaurants and other caterers and 573 food retailers, a number of which will provide late night refreshment.

### **5.0 LICENSING HOURS**

- 5.1 The Council will deal with licensing hours on the merits of each individual application. In general terms, a flexible approach will be adopted and restrictions on trading hours will normally be set by the applicant's operating schedule, unless representations are made, in which case they will be set in line with this policy and any guidance issued by the Secretary of State in order to promote the licensing objectives.
- 5.2 The Council recognises that a flexible approach to longer licensing hours with regard to the sale of alcohol is important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- 5.3 The Council also recognises the role that greater flexibility over licensing hours may play in the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists, providing customers with greater choice and flexibility.
- 5.4 This policy acknowledges that Central Government has introduced a discretionary power that enables local authorities to introduce Early Morning Alcohol Restriction Orders (EMRO). If introduced, an EMRO restricts the time after which alcohol may be sold or supplied. The time is set by the Licensing Authority, but has to be between midnight and 06.00; and would apply to premises licences, club premises licences and temporary event notices.
- 5.5 Where an applicant wishes to apply to extend their current opening hours, and for applications relating to previously unlicensed premises, the Council will expect their operating schedule to detail the measures to be taken to ensure



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the licensing objectives are addressed. In respect of extensions to existing licences only additional steps which may be required in relation to the variation need be included.

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

- Whether the premises is located in a predominantly commercial area
- The nature of the proposed activities to be provided at the premises
- Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
- Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents
- Whether the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance
- Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
- Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it
- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a responsible authority or interested party that identify the premises as a focus for disorder and disturbance.

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

5.8 As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure that disturbance to local residents is minimised. The Council considers that it is self evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2 a.m. than at 11 p.m. It is, therefore, the policy of the Council to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. In predominantly residential areas, therefore, it may not be appropriate to allow closing times later than midnight. It may be acceptable to open later on a limited number of occasions, for example up to 15 times a year. This would allow licensees to extend opening beyond midnight for special occasions such as New Year. However, every application will be determined on its merits, and applicants wishing to operate beyond midnight will need to demonstrate to the satisfaction

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of the Council, in their operating schedule, that there will be no significant disturbance to members of the public living, working or otherwise engaged in normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of “prevention of public nuisance”.

- 5.9 One of the greatest flashpoints occurs at closing times. In order to combat these flashpoints it is the policy of the Council to encourage ‘wind down times’. In this regard it is suggested that licensees should consider remaining open for at least 30 minutes after the last service of alcohol. During this time the licensee may wish to offer for sale non-alcoholic beverages. The reason for this is to encourage patrons to leave the venue gradually, and encourage licensed premises away from the ‘chucking out’ culture. Clearly, any period of time an establishment wishes to remain open after the end of licensed hours is acceptable provided no alcohol is sold. This policy is aimed at the fulfilment of the licensing objective of “prevention of crime and disorder”.
- 5.10 With regard to shops, stores and supermarkets, the normal scenario will be for such premises to be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours (for example, following police representations in the case of isolated shops or late night supermarkets known to be linked to, or to be a focus of disorder and disturbance).
- 5.11 In respect of premises predominantly supplying take-away food, between the hours of 11.00pm and 5.00am the Council would need to be satisfied that the supply of alcohol will not lead to an increase in crime and disorder or public nuisance in the vicinity of the premises.

### **6.0 LICENCE OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER**

- 6.1 Trafford Council is committed to further reducing crime and disorder within Trafford and helping people feel safe.
- 6.2 The Council will have particular regard to the likely impact of licensing on related crime and disorder in the Borough particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.
- 6.3 When addressing the issue of crime and disorder, an applicant must demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:-
- Underage drinking
  - Drunkenness on premises
  - Public drunkenness
  - Drugs
  - Violent behaviour
  - Anti-social behaviour.

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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

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- 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

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drinks' promotions that encourage the irresponsible consumption of alcohol, and where there is demonstrable evidence that certain types of promotion (such as "buy one get one free", "drink as much as you can for a fiver" or time limited price promotions) encourage significant alcohol intake within short periods of time ('binge drinking'), and the Council may consider, where relevant representations have been made, imposing special conditions. If such promotions are permitted they should be held in accordance with the mandatory conditions which prohibit irresponsible promotions.

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

### Old Trafford

- 6.20 It is accepted that the area around the Old Trafford football ground, (home to Manchester United Football Club), during match days suffers from crime and disorder problems.

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- 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:

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- 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

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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.



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- 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.

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- 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.

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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

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- 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.

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- 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 sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

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## 10.0 SEX ESTABLISHMENT VENUES

- 10.1 Where activities under a new licence would regularly include those with a sex related element, the premises may also require a sex establishment venue licence.
- 10.2 A sex establishment venue is defined as any premises where any live performance or any live display of nudity is of such a nature, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience (eg. striptease, table dancing, topless waitresses).
- 10.3 Therefore, a new premises may need to hold both a licence issued under the Licensing Act 2003 to allow the premises to sell alcohol; and a licence issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to allow the premises to be used as a sexual entertainment venue.
- 10.4 Where an existing licensed premises provides or wishes to provide sex related activity, the Council will expect the premises licence holder to assess the impact of the proposed activity on the licensing objectives and, where appropriate, apply to vary the conditions attached to the premises licence to take account of any increased risk. This may avoid a possible review of the premises licence from an interested party or responsible authority. Where it is deemed appropriate to seek a variation to the premises licence, the Council will expect the application to vary the premises licence to accompany the application for a sexual entertainment venue licence.
- 10.5 A hardcopy copy of the Council's policy on sex establishment licensing is available from the Licensing Office, Town Hall, Talbot Road, Stretford, M32 0TH or from the Council's website.

## 11.0 CONDITIONS

- 11.1 Conditions include any limitations or restrictions attached to a licence or certificate, and essentially are the steps the holder of the premises licence or the club premises certificate will be required to take at all times when licensable activities are taking place at the premises in question.
- 11.2 Conditions will be attached to licences and certificates only where they are necessary for the promotion of the licensing objectives.
- 11.3 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licence or certificate holders risk assessment. This would be translated into the measures recorded in the operating schedule that it is proposed to take to promote the licensing objectives. The operating schedule must also set out the proposed hours of opening. The proposals will then be made available to expert bodies, who are

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the responsible authorities described in the 2003 Act, and by interested parties such as local residents.

- 11.4 Where the responsible authorities and interested parties do not raise any representations about the proposals made to the Council, the Council will grant the licence or certificate subject only to conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions prescribed in the Act itself.
- 11.5 The Council will not impose any additional conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the validity of the concerns raised. It will then only impose such conditions as are necessary to promote the licensing objectives. However, in order to minimise disputes and the necessity for hearings, applicants are encouraged to consult with all responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- 11.6 Any individual preparing an operating schedule is at liberty to volunteer any measure as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable as such under the Act.
- 11.7 Standardised conditions will be avoided, although 'pools of conditions' will be used from which necessary and proportionate conditions may be drawn in particular circumstances.
- 11.8 Conditions attached to licences and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.
- 11.9 Conditions will not be imposed which are beyond the responsibility or control of the licence holder.
- 11.10 If the existing law already places certain statutory responsibilities on an employer or operator of premises, the Council will not duplicate these duties through the use of licensed conditions.
- 11.11 Conditions will also not be set which replicate licensing offences that are set out in the Act, for example:
  - to sell or supply alcohol to a person who is drunk
  - to knowingly allow disorderly conduct on licensed premises
  - for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
  - to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale

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of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

## **Mandatory Conditions**

- 11.12 The 2003 Act provides for mandatory conditions to be included in every licence and/or club premises certificate. A set of the current mandatory conditions is attached at Appendix 4 to this policy.

## **12.0 STRATEGIC LINKS**

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

### Tourism, Culture and Employment

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



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- 12.7 In determining what conditions should be attached to licences and certificates, the Council will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature.
- 12.8 The Council will monitor the impact of licensing on regulated entertainment, and particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be reversed. Care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events.
- 12.9 Arrangements will be made for the Licensing Committee to receive, when appropriate, reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in their considerations.
- 12.10 The Licensing Committee will also be kept apprised of the employment situation in the area and the need for new investment and employment where appropriate.

### Transport

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

### Crime and Disorder

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

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

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

### Alcohol

- 12.16 The National Alcohol Harm Reduction Strategy identifies a number of priorities which local authorities will take into account when making decisions on relevant applications.
- 12.17 In conducting its licensing function the Council will be mindful of relevant strategies and policies, including the following:
- The National Alcohol Harm Reduction Strategy for England
  - Other recognised codes of practice, including those relating to drinks' promotions, e.g. The Point of Sale Promotions published by the British Beer and Pub Association
  - The Alcohol Strategy for Trafford
  - ***The Greater Manchester Alcohol Strategy*** [NEW]
  - The Council's byelaws prohibiting anti-social and street drinking.

Such policies will also be relevant when considering relevant representations.

### Drugs

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

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addressing these matters through partnership arrangements with the Police, club owners and local drug agencies.

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

## Anti-Social Behaviour

- 12.20 The Council maintains that licensing law is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

- 12.21 Once away from licensed premises, a minority of consumers will behave badly and unlawfully. The Council recognise that other mechanisms for addressing these issues exist both within and outside the licensing regime, for example:

- planning controls which take into account possible disturbance to adjoining occupiers, particularly of residential accommodation;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance; and
- the power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

- 12.22 The Anti-Social Behaviour Act 2003 and the Violent Crime Reduction Act 2006 is designed to provide local authorities and the Police with a wider, more flexible range of powers to meet existing responsibilities and respond to the needs of their communities. The Anti-Social, Crime and Disorder Act 2014 was introduced to simplify powers available to the police and Local Authorities in relation to crime and anti-social behaviour.

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## 13.0 OTHER REGULATORY SYSTEMS

- 13.1 Care will be taken to ensure that, where there is an overlap between the licensing regime and other statutory regulatory systems that already place obligations on employers and operators, duplication will be avoided so far as possible and control exercised through the most appropriate system.
- 13.2 Conditions will not be set which duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation.

### Planning Control

- 13.3 Planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the planning committee or permissions granted on appeal.
- 13.4 Planning permission is usually required for the establishment of new premises and the change of use of premises. In general, all premises that apply for a licence must also obtain or have obtained authorised planning permission and comply with all conditions of that planning permission, or benefit from permitted development rights pursuant to the General Permitted Development Order (1995). Planning permissions that are relevant to licensed premises include:
- a retail shop, licensed for the sale of liquor for example (A1);
  - the use of premises for the sale and consumption of food and drink on the premises or where hot food is sold for consumption off the premises, including restaurants, bars and takeaways (A3);
  - assembly and leisure uses, including cinemas, concert and indoor/outdoor sports and recreation (D2);
  - a hotel that has a restaurant or bar included in its authorised use (C1).
- 13.5 Under the current Use Classes Order, planning permission is generally required if the use of an existing premises changes use class. For example, planning permission would be required for a change from a shop (A1) to a restaurant or bar (A3). Planning permission is not required if the use of existing premises changes to a use within the same use class. For example, planning permission would not normally be required for a change from a restaurant (A3) to a bar (A3).
- 13.6 When applying for planning permission the Council, as local planning authority, will consider the potential impacts and benefits of the proposed use within the context of the local development plan and relevant Government guidance and other material planning considerations.

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

### Building Control

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

### Health and Safety at Work

- 13.11 The Health and Safety at Work etc. Act 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on, and in other cases the Health and Safety Executive is responsible.
- 13.12 Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation.
- 13.13 The general duties under health and safety legislation (for example, to undertake a suitable and sufficient risk assessment) may not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment. It is only where additional and supplementary measures are 'appropriate' for the promotion of the licensing objectives that conditions will need to be attached to a licence. Conditions will not be set which duplicate other requirements of the law.

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## Statutory Nuisance

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

## Fire Precautions

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

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- 13.21 The Fire Safety order covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.
- 13.22 The responsibility for complying with the order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

### The Equality Act 2010

- 13.23 The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.
- 13.24 The new framework covers a series of 'protected characteristics'. People who share these characteristics are regarded as being members of certain 'protected groups'. The protected characteristics are:
- Race
  - Disability
  - Age
  - Religion or belief
  - Sex
  - Sexual orientation
  - Gender reassignment
  - Pregnancy and maternity
  - Marriage and civil partnership

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

- 13.25 The 2010 Act also contains provision to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees:
- o it is unlawful to treat disabled people less favourably than other people for a reason related to their disability;
  - o they have to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services; and

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- they will have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

## Human Rights Act 1998

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

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

## **14.0 CUMULATIVE IMPACT**

14.1 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town centre of a large concentration of licensed premises in that part of the local authority licensing area. In certain circumstances the number, type and density of premises selling alcohol for consumption on the premises may be such that there are serious problems of nuisance and disorder arising or beginning to arise outside or some distance from licensed premises. It is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together is greater in these circumstances than the usual impact from customers of individual premises.

14.2 Guidance issued under s.182 of the Act allows Councils to adopt a special saturation policy in such circumstances and specifies the steps to be followed in considering whether to adopt a special saturation policy. These steps require:-

- identification of concern about crime and disorder or public nuisance;
- consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- consultation with those specified in section 5(3) of the 2003 Act (see paragraph 22.1 of this policy document);



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- subject to that consultation, inclusion in the Licensing Policy of a special policy about future premises licence or club premises certificate applications from that area;
  - publication of the special policy as part of the Licensing Policy.
- 14.3 The effect of adopting a special saturation policy is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations in the area(s) identified by the special policy will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the special policy issues in their operating schedules in order to rebut such a presumption.
- 14.4 When such a special saturation policy is adopted, each application will still be considered properly and on their own individual merit, and licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives will be granted. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Council will consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. It will be for the Council to show that the grant of the application would undermine the promotion of one of the licensing objectives and if it would, that necessary conditions would be ineffective in preventing the problems involved.
- 14.5 In considering such applications the Committee will have particular regard to:
- The occupancy figure for the proposed premises.
  - The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises.
  - Whether the proposed premises will act as a replacement for others in the Area that no longer have a licence.
  - The proposed methods of management outlined in the applicant's operational plan.
  - The proposed hours of operation.
  - Transport provision for the Area.
- 14.6 Special saturation policies will never be used as a ground for revoking an existing licence or certificate when relevant representations are received about problems at those premises. Nor will they be used to justify rejecting applications to vary an existing licence or certificate except where those modifications directly affect the issue of cumulative impact (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.
- 14.7 A special saturation policy will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. This is because quotas have no regard to

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the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

- 14.8 A special saturation policy will not include provisions for a terminal hour in a particular area.
- 14.9 Special saturation policies will be reviewed regularly (and at least every three years) to assess whether they are needed any longer or need expanding.

### **Saturation Policy**

- 14.10 Analysis by the Police indicates that the areas in Trafford subject to the greatest volume of violent crime are the town centres of Altrincham and Sale.
- 14.11 Offences in these areas have been shown to most likely occur during the late evenings of Thursday, Friday, Saturday and Sunday. The major contributory factor to these offences has been the growth of the late night economies and the rise of binge drinking.
- 14.12 The greater concentration of licensed premises within the town centre has resulted in large numbers of patrons attracted into Altrincham and Sale. The physical infrastructure of both towns, with narrow streets and a lack of open space has created an environment which has struggled to manage with the demands of the late night economy. The lack of an integrated transport infrastructure in the late evening periods has also created difficulties in moving patrons away at the end of the night. Analysis shows both these factors to be key drivers behind the rise in violent crime.
- 14.13 The Crime and Disorder Partnership Board have identified violent crime as a Borough wide priority. It outlined Altrincham town centre, Sale town centre and the Trafford Centre as hot spot areas. Crime and disorder in the late night economy in Altrincham has been highlighted as the number one priority of the Altrincham Crime and Disorder Partnership.
- 14.14 The cost implication of these problems to the Police, ambulance service, local authority and business community are significant. Whilst it will always be the duty of the local authority in partnership with the Police to take the necessary steps to tackle individual problem premises, the designation of both Altrincham and Sale town centres as areas of cumulative impact will allow for the strategic management of the late night economy to reduce crime and disorder and promote public safety.
- 14.15 The Council has, therefore, adopted a special policy relating to cumulative impact with respect to both Altrincham and Sale town centres. This policy presumes that applications for new premises or club premises certificates or material variations of premises lying within the designated areas shown at Appendices 6 and 7 will normally be refused, if relevant representations to that

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effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

### **15.0 LATE NIGHT LEVY**

15.1 The Police Reform and Social Responsibility Act 2011 introduced the power for the Licensing Authority to charge a late night levy (“the levy”) to all premises within its licensing area.

15.2 The late night levy is a discretionary power allowing the Council to collect an annual fee from all licensed premises in the area that are authorised to sell alcohol between the hours of midnight and 6.00am as a means of raising a contribution towards the costs of policing the night time economy.

15.3 As the powers are discretionary the Council, in its capacity as the Licensing Authority, must decide whether to introduce them; and in accordance with the 2011 Act in making that decision the Council must consider:

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

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

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

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

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

### **16.0 EARLY MORNING RESTRICTION ORDERS**

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

16.2 An EMARO enables a licensing authority to prohibit the sale of alcohol for

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a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

- 16.3 EMAROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 16.4 It is the Council's intention to support businesses rather than hinder them, whilst ensuring the promotion of the licensing objectives. However, where this has deemed to fail then an EMARO may be considered as a possible solution.
- 16.5 It is likely that any request for an EMARO will come from Greater Manchester Police; however, the request may also be made by a number of different organisations, for example, the request for an ENARO may originate from the Council, a strategic partner, Public Health of residents association.
- 16.6 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing an EMARO. Should this change during the life of this policy then the designated procedure would be applied to determine if an EMRAO is appropriate.

## 17 ENFORCEMENT

- 17.1 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own Enforcement Policy.
- 17.2 The Enforcement Concordat is based on the principles that businesses should:-
- receive clear explanations from enforcers of what they need to do and by when
  - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed
  - receive an explanation of their rights of appeal.
- 17.3 Trafford Council's Enforcement Policy is freely available from the Council, as is this Policy and details of the Council's corporate complaints' procedures.
- 17.4 All decisions and enforcement action taken by the Council will have regard to the relevant provisions of the Act, national guidance, the Enforcement Policy of the Council, and to the principles of the Enforcement Concordat. In developing

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the enforcement policy the Council had, and will continue to have, regard to the statutory Regulator's code, issued by the Better Regulation Delivery Office under section 22 of the Legislative and Regulatory Reform Act 2006.

- 17.5 The Council intends to establish enforcement protocols with Greater Manchester Police on enforcement issues to provide for efficient deployment of local authority staff and police officers who may be engaged in enforcing licensing law and the inspection of licensed premises. This joint partnership approach is intended to prevent duplication of effort, maximise the potential for controlling crime and disorder at premises and to ensure compliance when relevant conditions are appropriate.
- 17.6 Inspections will take place at the discretion of the Council and its partner agencies and resources will be concentrated on areas of need. A light touch inspection regime will be employed for well-managed and maintained premises with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.
- 17.7 The Council will investigate complaints where it is alleged that licensable activities have/or are to take place without the relevant licence and will use its discretion to determine whether, in the circumstances, it is in the public interest to take enforcement action. Factors which may be taken into account are:
- The nature of the event eg. certain types of charitable event
  - The impact/likely impact of the event eg. complaints of nuisance/disorder
  - The safety measures in place to deal with any possible risks

### **18.0 PERSONAL LICENCES**

- 18.1 Personal Licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying-on of that activity.
- 18.2 Any individual may seek personal licences whether or not they have current employment or business interests associated with the use of the licence.
- 18.3 Provided an applicant has a qualification determined by the Department for Culture, Media and Sport (DCMS) and does not have certain criminal convictions the Council must grant the licence.
- 18.4 The Council will expect the applicant to produce a Criminal Record Bureau certificate or, in the event that the Council or Police are authorised for this purpose, the applicant will be required to sign a form of authority. Applicants from foreign jurisdictions will be expected to make a clear statement as to whether they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
- 18.5 Where an applicant has a relevant conviction the Police may oppose the application. If an objection is lodged by the Police, a hearing of the Council's Licensing (Sub) Committee will be held. The Committee will consider carefully

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whether the grant of the licence is likely to compromise the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Council will normally refuse applications where there are recent “relevant offences” and will only grant the application if it is satisfied that there are exceptional and compelling reasons for doing so. If the Police do not issue an objection notice and the application otherwise meets the requirements of the Act the Council must grant the licence.

- 18.6 Where a Personal Licence holder is convicted by a court for a relevant offence, the Court will advise the Council accordingly. On receipt of such a notification, the Council will notify the Police and if they consider the continuance of the licence will prejudice crime and disorder objectives, they may issue an objection notice. In these circumstances, a hearing before the Licensing Committee will be held.
- 18.7 In order for the sale of alcohol to take place, the Council would normally expect the premises licence holder to ensure that there are a sufficient number of personal licence holders at the premises when alcohol is being supplied or retailed. If a personal licence holder is not on the premises for any reason, the Council would expect provisions to be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.
- 18.8 The Council will require one of the personal licence holders to be a **Designated Premises Supervisor**. The main purpose being to ensure that there is always one specified individual who can be readily identified at the premises in cases of emergency. Thus it will be clear who is in charge of the day-to-day running of the business.
- 18.9 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Council will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.

### 19.0 APPLICATION PROCEDURE

- 19.1 An application for a premises licence must be made in the prescribed form to the Council. The application must be accompanied by:
- the required fee;
  - an operating schedule (see below);
  - a plan of the premises in a prescribed form to which the application relates; and
  - if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor.
- 19.2 Application will only be deemed to be ‘received’ once all the required supporting information has been received

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- 19.3 The operating schedule should ideally include a general description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers). It is also expected to indicate the type of entertainment available on the premises, whether licensable under the 2003 Act or not. This is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary at such premises for the protection of children from harm. For example, it is important that plans for regulated entertainment of an adult nature or with sexual content should be disclosed. An operating schedule must also set out the following details:
- the licensable activities to be conducted on the premises;
  - the times during which it is proposed that the relevant licensable activities are to take place;
  - any other times when the premises are to be open to the public;
  - where the licence is required only for a limited period, that period;
  - where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
  - where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
  - the steps which the applicant proposes to take to promote the licensing objectives.
- 19.4 In preparing an operating schedule, applicants should have a good idea of the expectations of the Council and the responsible authorities about the steps that are necessary for the promotion of the licensing objectives. It is recommended that applicants, having completed their own risk assessments, should seek the views of the key responsible authorities. For example, on matters relating to crime and disorder, the Police should be consulted and on matters relating to noise, local environmental health officers would be consulted. Such co-operative effort should minimise the number of disputes which arise in respect of operating schedules. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives that they have set out in the operating schedule will very often translate directly into conditions that will be attached to premises licences.
- 19.5 Applications for the grant, variation or review of premises licences should be advertised in accordance with the arrangements prescribed in the Regulations. The content of the advert must use those terms and descriptions of the application that are prescribed by the Regulations made under the Act.
- 19.6 A person making an application for a Premises Licence or Club Premises Certificate, or major variations of such licences or certificates, must send details of their applications to the 'responsible authorities' unless the application is submitted electronically, in which case the Council will serve the responsible authorities. These authorities must be consulted about such applications, and

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are entitled to lodge representations, and to ask the Council to review a premises licence and club premises certificate.

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

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- **the Public Health Authority**;
- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises are situated.

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

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

### Public Health

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

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

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

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



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- 19.13 As part of the consultation process, the Council may choose to consult with whoever appears appropriate to help it determine the application. Such interested parties may include: Councillors, persons living in the vicinity; bodies representing persons living in that vicinity; individuals involved in businesses in the vicinity; and bodies representing those persons involved in such businesses. In addition, these groups or organisations may themselves seek comments from others whom they know may wish to be aware of the application. These comments may in turn be passed on to the Council as part of the consultation process.
- 19.14 If no responsible authority makes a representation about an application and no interested party seeks to do so, then no hearing would be required and the application will be granted in the terms sought subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act.
- 19.15 Where a representation is made under the terms of the Act by any person there will be a preliminary stage at which the Council will consider whether the representation is relevant, and not vexatious or frivolous. If the Council decide it is not relevant, no hearing is required in relation to that representation and in the absence of representations from other parties or responsible authorities, the application must be granted. The aggrieved person whose representation is not regarded as “relevant” may challenge the licensing authority’s decision by way of judicial review.
- 19.16 Where a representation is lodged by a responsible authority about a proposed operating schedule, the Council’s discretion will be engaged. It is also engaged if any person makes relevant representations to the Council which are not frivolous or vexatious. A hearing will be required at which the disputing parties should be invited to present argument. The need for a hearing can only be dispensed with by the agreement of the Council, the applicant and all of the parties who made relevant representations. The hearing process must meet the requirements of the Regulations made under the Act. The Council will seek to focus the hearing on the steps needed to promote the particular licensing objective which have given rise to the specific conflict and avoid straying into undisputed areas. In determining the application the Council will give appropriate weight to:
- the argument and evidence presented by all parties;
  - the guidance issued by the Secretary of State under Section 182 of the Act;
  - this policy;
  - the steps that are necessary to promote the licensing objectives.
- 19.17 The Council will give its determination forthwith with reasons provided to support the determination. After considering all the relevant issues, it will be open to the Council to grant the application subject to such conditions that are consistent with the operating schedule, and these can be modified to such an extent that the Council considers necessary for the promotion of the licensing

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objectives. Alternatively, the Council may refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

## **20.0 TEMPORARY EVENT NOTICES**

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

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## Large Open Air Events

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

## **21.0 COMPLAINTS AGAINST LICENSED PREMISES**

- 21.1 The Council will investigate all complaints against premises licensed by the Council. Complainants will, in the first instance, be encouraged to raise the complaint directly with the licensee or business concerned. In the case of a valid complaint, the Council will initially endeavour to seek a resolution through informal means.
- 21.2 All complaints must, in the first instance, be addressed to the Licensing Manager, Licensing Section, Trafford Borough Council, Talbot Road, Stretford, M32 0TH; or via email at: [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk)
- 21.3 The Council will only investigate complaints under this policy if they relate to one or more of the four licensing objectives.

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

## **22.0 DELEGATION AND DECISION MAKING**

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

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

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

22.4 Whilst contested licensing applications are quasi judicial in nature the (Sub) Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing and are able to express their views openly and fairly.

22.5 The (Sub) Committee will determine each case before it on its individual merits whilst taking into consideration the terms of this Policy document.

22.6 In determining the application the Licensing Committee or Sub-Committee, will consider:

- (a) The case and evidence presented by all parties;
- (b) The promotion of the four licensing objectives;
- (c) Guidance issued by central Government;
- (d) The Council’s own Statement of Licensing Policy.

22.7 Where the (Sub) Committee determines that it is appropriate to attach conditions to a licence/certificate it will ensure that those conditions are directed towards preventing or minimising the impact of the activities taking place at the premises concerned on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

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## 23.0 CONSULTATION

23.1 In developing this policy the Council has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted have included those specified in section 5(3) and in paragraph 29 of Part 4 of Schedule 8 to the Act:-

- **the chief officer of police**
- **the fire authority**
- **representatives of holders of existing licences**
- **representatives of existing registered clubs**
- **representatives of the local licensing trade**
- **representatives of local businesses**
- **representatives of local residents.**

23.2 A full list of all those who were consulted in the development of this policy are listed in Appendix 5.

## 24.0 MONITORING AND REVIEW

### Monitoring

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

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

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

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

- needs of the local tourist economy;
- cultural strategy for the area;
- employment situation in the area and the need for new investment and employment where appropriate;

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- planning considerations which might affect licensed premises.

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

## **Review**

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

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

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

- A Responsible Body such as the Police and Fire Authority
- Any person such as a person living or carrying out a business in the vicinity of the premises or an organisation representing them.

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

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

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

## **25.0 APPEALS**

25.1 Where an applicant is aggrieved by any decision or condition, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Council of the decision and must be made to the Justices' Chief Executive of the Magistrates' Court.

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

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situated.

25.3 On determining an appeal, the court may:

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

25.4 In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 177.

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

## 26.0 CONTACT DETAILS / ADVICE AND GUIDANCE

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

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

Telephone: 0161 912 4047  
Email : [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk)  
Website : [www.trafford.gov.uk](http://www.trafford.gov.uk)

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

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## APPENDIX 1 Delegated Functions

TABLE OF DELEGATED FUNCTIONS

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



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TABLE OF DELEGATED FUNCTIONS (CONT)

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

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## APPENDIX 2 Contact details for Responsible Authorities

### **Environmental Health Team**

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

### **Pollution & Housing Team**

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

### **Planning Service**

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

### **Safeguarding Children Unit**

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

### **Greater Manchester Police**

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

### **Greater Manchester Fire and Rescue Service**

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

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

## **Health & Safety Executive – North West Office**

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

## **Public Health Authority**

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

## **Environment Agency – North West Office**

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

## **British Waterways Board – North West Office**

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

## **Secretary of State for Transport**

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

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## Local Authorities bordering the Trafford Area:

### **Macclesfield Borough Council**

Town Hall  
Macclesfield  
SK10 1DP  
Tel: 01625 504250

### **Manchester City Council**

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

### **Salford City Council**

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

### **Stockport Borough Council**

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

### **Warrington Borough Council**

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

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## APPENDIX 3 Mandatory Conditions

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

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

- 1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol

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

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

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

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

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

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

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

**4.** The responsible person must ensure that:

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

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

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

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

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

## Definition:

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

- (a) *In relation to a licensed premises -*
  - (i) *the holder of a premises licence in relation to a premises*
  - (ii) *the designated premises supervisor (if any) under such a licence*
  - (iii) *any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.*
  
- (b) *In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.*

## **The Licensing Act 2003 (Mandatory Conditions) Order 2014**

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

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

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

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

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

where—

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

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

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

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

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



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

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

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

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

# APPENDIX A

## APPENDIX 5 List of Consultees

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

## APPENDIX A

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

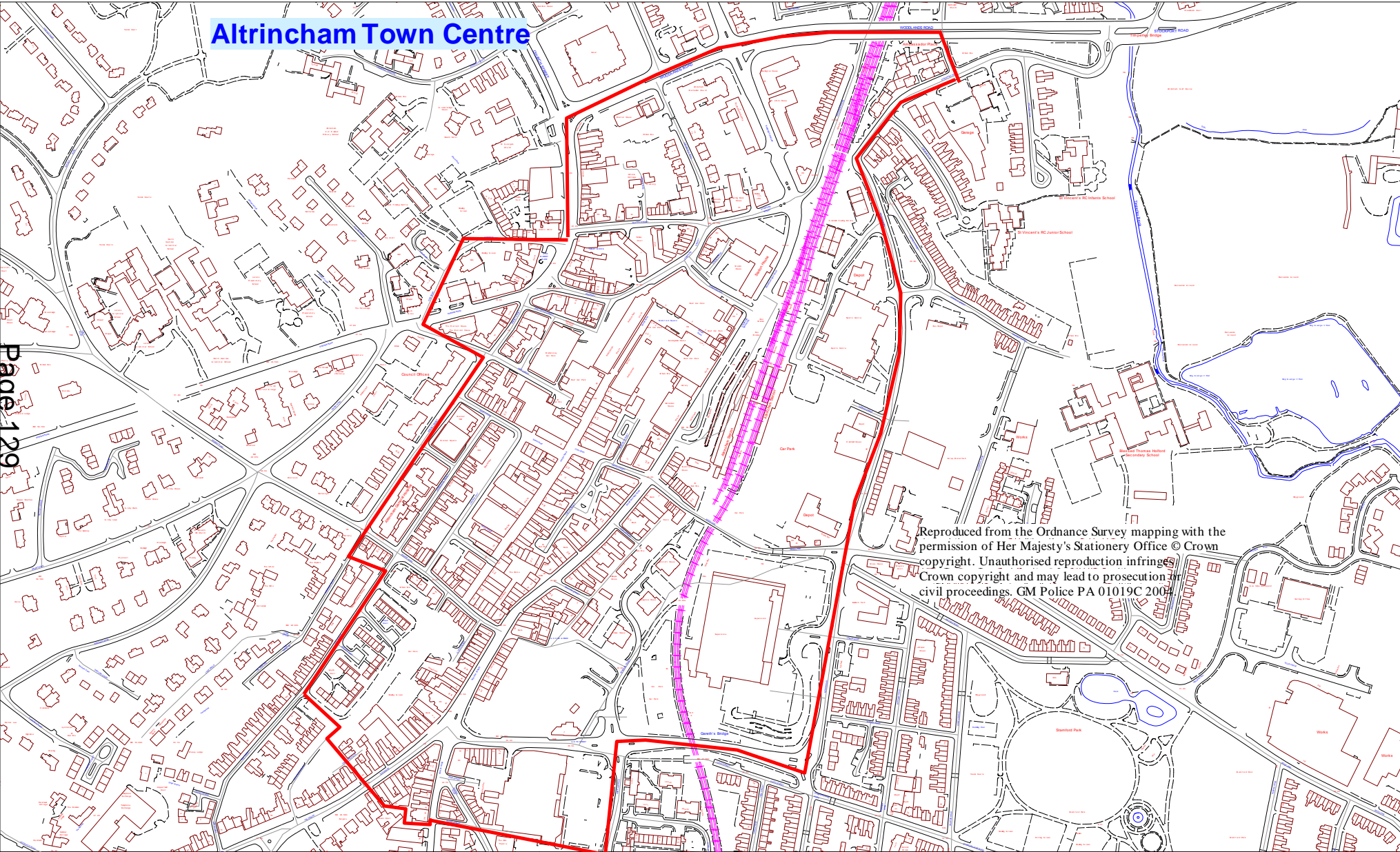
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|---|
| Salvation Army – North West                           |
| Samuel Smith  |
| Scottish & Newcastle Pub Company (Management) Limited |
| Secretary of State for Transport                      |
| Shoosmiths Solicitors                          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

# APPENDIX A

## APPENDIX 6

## ALTRINCHAM TOWN CENTRE – MAP OF DESIGNATED AREA



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# APPENDIX A

## Sale Town Centre

M263

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## APPENDIX 7 SALE TOWN CENTRE – MAP OF DESIGNATED AREA

# APPENDIX B

## LICENSING POLICY REVIEW – SCHEDULE OF AMENDMENTS

| EXISTING POLICY                                       | REASON  | PROPOSED AMENDMENT                |
|---|---|-----------------------------------|
| INTRODUCTION<br>1.1 to 1.5                            | Update to relevant dates and detail of previous versions of policy. Purposeful statement that the Licensing Authority must have regard to this policy in its decision making. Amendments highlighted in yellow detail previous policy dates, a 12 week consultation period and 5 year review. | Amendments highlighted in yellow. |
| INTRODUCTION – 1.6<br>Trafford Council Corporate Plan | Detail on how the Statement of Licensing Policy fits in with the overall strategic aims of the Council. Detail on the key themes of creating pride in the borough of Trafford and creating successful and thriving town centres.  | Amendments highlighted in yellow. |
| INTRODUCTION – 1.7                                    | Early reference to important pieces of legislation which the policy has included. Introductory reference to relevant guidance and legislation for effective decision making.  | Amendments highlighted in yellow. |
| PURPOSE 2.1 – 2.4                                     | Expanded detail on the purpose of the policy, detailing the balance of safe places to live and work, partnership working and promoting the licensing objectives. Policy aim added 'To support decisions made by the Council when these decisions are challenged in a                          | Amendments highlighted in yellow. |

## APPENDIX B

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|  | court of law'.  |                                   |
| AUTHORITY PROFILE 3.10                 | Update to figures on licensed premises.   | Amendments highlighted in yellow. |
| APPLICATIONS 4.1 – 4.4                 | Greater detail on the application process, what legislation, policy and guidance is considered in preparing applications, seeking the views of Police in advance of submitting applications and the need to have regard to the local area in the operating schedule. This should encourage greater care in submitting new applications. | Amendments highlighted in yellow. |
| APPLICATIONS 4.10                      | Trading Standards and Licensing Authority added to responsible authority consultation list  | Amendments highlighted in yellow. |
| APPLICATIONS 4.21 – 4.22<br>Variations | The reason for this change is around benchmarking explicit expectations around the Licensing Authority's position that variation applications to remove conditions should detail why it is acceptable to remove. Further instruction that scrutiny will be given to variations which have a proven history of non-compliance.           | Amendments highlighted in yellow. |
| REPRESENTATIONS 5.1 -5.5               | Detail on who can make representations replacing outdated guidance. Guidance on how information will be handled in accordance with GDPR for those submitting representation to the Licensing Authority.   | Amendments highlighted in yellow. |
| REPRESENTATIONS 5.6 – 5.7<br>Petitions | It has been known that Trafford Council has received several petitions in the past concerning new applications or variations to   | Amendments highlighted in yellow. |



## APPENDIX B

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|  | <p>licensed premises. Whilst the representation method is always preferred, the Licensing Authority will accept petitions. This section contains guidance on petitions.</p>  |  |
| <p>DETERMINING APPLICATIONS<br/>6.2 – 6.4</p>  | <p>Additional paragraphs to help make the policy provide clear and unambiguous around determining applications for a premises licence. Common themes highlighted concerning duplication of conditions, separate council functions such as planning, and detail around operating schedules, and Cumulative Impact Policies etc.</p>   | <p>Amendments highlighted in yellow.</p> |
| <p>DETERMINING APPLICATIONS<br/>6.9 – 6.14</p> | <p>A change in administration for the Licensing Officer to include the following in the email consultation:<br/>ward councillors and ward councillors of adjoining wards, and to consult neighbouring borough councils if appropriate.</p> <p>Detail around mandatory consultation requirements for the applicant. Reference to guidance for applicants and those wanting to make representation, and appeal rights.</p> <p>Wider consultation is seen as best practice, encourages partnership working, local views are represented and is more transparent and democratic.</p> | <p>Amendments highlighted in yellow.</p> |

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| <p>DETERMINING APPLICATIONS<br/>6.15 – 6.16</p>                        | <p>Expectations detailed around submitting Minor Variations, these can be accepted for matters which do not adversely impact on any of the licensing objectives. For example, minor changes to a plan structure or layout</p>   | <p>Amendments highlighted in yellow.</p> |
| <p>PROMOTING THE FOUR LICENSING OBJECTIVES<br/>7.1 – 7.8</p>           | <p>Explanation to an applicant on the importance to promote the licensing objectives. Recommendation to use risk assessments and convert this into the application operating schedule to demonstrate promotion of the objectives. Recognition to the varying scope of premises which are licensed and how this should be uniquely assessed.</p> | <p>Amendments highlighted in yellow.</p> |
| <p>PROMOTING THE FOUR LICENSING OBJECTIVES<br/>Capacity 7.9 – 7.11</p> | <p>Guidance on the Licensing Authority's view on determining capacity of the premises and its relevance to licence applications.</p>  | <p>Amendments highlighted in yellow.</p> |
| <p>PREVENTION OF CRIME AND DISORDER<br/>8.2 – 8.3</p>                  | <p>Expectations around appropriate measures and a statement on how particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises.</p>   | <p>Amendments highlighted in yellow.</p> |
| <p>PREVENTION OF CRIME AND DISORDER<br/>8.5</p>                        | <p>Expanded detail on examples of control measures to assist applicants in preparing their operating schedule.</p>  | <p>Amendments highlighted in yellow.</p> |
| <p>PREVENTION OF CRIME AND DISORDER<br/>8.19 – 8.28</p>                | <p>Expanded detail on Trafford Council's position on considerations for prevention of crime and disorder measures.</p>  | <p>Amendments highlighted in yellow.</p> |
| <p>PUBLIC SAFETY</p>   | <p>Public Safety risk assessments expanded to</p>   | <p>Amendments highlighted in yellow.</p> |

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| 9.3   | include use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.   |                                   |
| PUBLIC SAFETY<br>9.8 – 9.14                   | Advice on examples of control measures to assist applications in preparing their operating schedules for the Public Safety licensing objective  | Amendments highlighted in yellow. |
| PUBLIC SAFETY<br>9.15 – 9.16                  | Trafford Council attended coroner's court as an interested party and heard evidence in the inquest to the death of Faye Allen. The coroner took issue with elements of medical resource provision in that medic roles were mixed and not exclusive in person, the coroner wrote to authors of the Purple Guide who advised that it is up to the organiser to assess the medical provision in their risk assessment. Trafford Council's position is that medical provision should be exclusive and it expects that, as a minimum, it should reflect the requirements detailed in the Purple Guide. | Amendments highlighted in yellow. |
| PREVENTION OF PUBLIC NUISANCE<br>10.2 – 10.12 | Direction on how Trafford Council interpret 'public nuisance' in its widest sense, the factors which can be considered which impact on the likelihood of public nuisance.<br><br>Additional detail on examples of control measures to assist applicants in completing their operating schedule under the heading  | Amendments highlighted in yellow. |

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|   | prevention of public nuisance.   |                                   |
| PROTECTION OF CHILDREN FROM HARM<br>11.2 – 11.6   | Detail on issues which impact on the protection of children from harm and measures to promote the objective in the applicants operating schedule.  | Amendments highlighted in yellow. |
| PROTECTION OF CHILDREN FROM HARM<br>11.13         | Encouragement for applicants to adopt a “Challenge 25” Policy.   | Amendments highlighted in yellow. |
| PROTECTION OF CHILDREN FROM HARM<br>11.14         | Statement commitment that the Council will investigate any reports of underage sales in the borough.   | Amendments highlighted in yellow. |
| PROTECTION OF CHILDREN FROM HARM<br>11.15         | Confirmation that the Council accepts BBFC classification for Films. Further detail on Film Classification contained later in the policy document.   | Amendments highlighted in yellow. |
| PROTECTION OF CHILDREN FROM HARM<br>11.23 – 11.28 | Child Sexual Exploitation advice added to the statement of licensing policy for the benefit of applicants in completing their operating schedule for the protection of children from harm.         | Amendments highlighted in yellow. |
| SEX ESTABLISHMENT VENUES<br>12.1 - 12.5           | Premises are required to apply for a Premises Licence and a separate Sexual Entertainment Venue licence.   | Amendments highlighted in yellow. |
| PROMOTION OF OTHER STRATEGIES<br>13.1 – 13.4      | As a strategy to coincide with the Council’s PSPO which bans alcohol being consumed in designated public spaces, the Licensing Authority is looking to introduce a ‘Reduce the Strength’ strategy. | Amendments highlighted in yellow. |

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|   | <p>This strategy is promoted in the Statement of Licensing policy to encourage new applicants to voluntary sign up to the scheme which aims to restrict the availability of beer, lager and cider which has an ABV of 6% or above.</p> <p>This is to promote the licensing objectives of prevention of public nuisance and prevention crime and disorder that is associated to illegal street drinking in the borough.</p> <p>Although the scheme is voluntary, should it be the case that there is evidence of street drinking in the area of the premises application, the sub-committee have the option to add a condition as they consider appropriate.</p> |  |
| <p>PROMOTION OF OTHER STRATEGIES<br/>Boxing<br/>13.5 – 13.6</p> | <p>The rise in the popularity of White Collar Boxing has raised concerns over the safety of events, this is balanced by the huge benefit in charity fundraising which is often part of the individuals purpose to compete. Trafford Council has developed guidance to encourage safe events in the borough, and applies to all regulated boxing entertainment events.</p>   | <p>Amendments highlighted in yellow.</p> |
| <p>CONDITIONS<br/>14.3 – 14.12</p>                              | <p>Expanded detail on the attachment and consideration of licence conditions with the first reference to the new model pool of local</p>  | <p>Amendments highlighted in yellow.</p> |

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|   | licensing conditions.  |                                   |
| CONDITIONS<br>14.18 – 14.19   | Detail on the Council’s Model Pool of Licensing Conditions to help applicants with their operating schedule. To assist Responsible Authorities when making representation and Members of the Licensing Sub-Committee in their determination. | Amendments highlighted in yellow. |
| 15.0 STRATEGIC LINKS<br>15.22 Counter Terrorism   | Detail on conditions relating and inspired by Martyn’s Law following the terrorist attack in Manchester claiming 22 innocent lives. The conditions relate to Counter Terrorism.  | Amendments highlighted in yellow. |
| 16.0 OTHER REGULATORY SYSTEMS<br>16.1 – 16.3  | Expanded explanation on the role of licensing and how it may overlap with other regulatory systems.  | Amendments highlighted in yellow. |
| 16.0 OTHER REGULATORY SYSTEMS<br>16.29 The Government’s Alcohol Strategy                                  | Reference to the Governments Alcohol Strategy for the benefit of applicants.   | Amendments highlighted in yellow. |
| 16.0 OTHER REGULATORY SYSTEMS<br>16.30 Government & Police Guidance for Clubs and other licensed premises | Reference to Government & Police advice for applicants   | Amendments highlighted in yellow. |
| 20.0 PERSONAL LICENCES<br>20.4, 20.11 – 20.13   | Updated guidance on Personal Licences  | Amendments highlighted in yellow. |
| 21.0 POLICY CONSULTATION<br>21.1 – 21.2   | Detail on bodies consulted as part of this review of policy.   | Amendments highlighted in yellow. |
| 22.0 MONITORING AND REVIEW OF LICENSING POLICY<br>22.4  | Latest S182 Guidance states that Cumulative Impact Policies should be reviewed at 3 year intervals.  | Amendments highlighted in yellow. |

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| <p>24.0 LARGER EVENTS<br/>24.4 – 24.8</p>                  | <p>Added detail on arrangements for Safety Advisory Group meetings and Multi-Agency meetings to encourage safe events in the borough.</p>  | <p>Amendments highlighted in yellow.</p> |
| <p>26.0 REVIEWS<br/>26.1 – 26.4</p>                        | <p>Extended detail on grounds for Review applications and options available to the licensing sub-committee.</p>  | <p>Amendments highlighted in yellow.</p> |
| <p>28.0 NUDITY AND ADULT ENTERTAINMENT<br/>28.1 – 28.5</p> | <p>Clear, unambiguous guidance on the Licensing Authority's position with regards to applications relating to Adult Entertainment. Strengthened position for effective regulation of this type of entertainment.</p>   | <p>Amendments highlighted in yellow.</p> |
| <p>29.0 AUTHORISATION<br/>29.1 – 29.3</p>                  | <p>Clear, unambiguous guidance on the Licensing Authority's position with regards to authorisations for the sale or supply of alcohol on the premises. A strong steer away from verbal authorisation, to evidenced written authorisation in order for the Designated Premises Supervisor to demonstrate due diligence on behalf of the Licence Holder.</p> | <p>Amendments highlighted in yellow.</p> |
| <p>30.0 NON-STANDARD HOURS<br/>30.1 – 30.3</p>             | <p>Clear, unambiguous guidance on the Licensing Authority's position with regards to non-standard hours.</p>   | <p>Amendments highlighted in yellow.</p> |
| <p>31.0 SMOKING – HEALTH ACT 2006<br/>31.1 – 31.4</p>      | <p>Advice around smoking and its connection with licensed premises. Concerns addressed around safe enclosures compliant with the Health Act 2006 and concerns over the nuisance associated with smoking and</p>  | <p>Amendments highlighted in yellow.</p> |

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|   | the licensable activity of sale of alcohol.  |                                   |
| 32.0 LICENSING HOURS<br>32.1 – 32.9                               | <p>Trafford Council has not opted for a policy of core hours and will not impose pre-determined hours. Recognising the importance that licensable activity has on culture and the economy. However, applicants wishing to provide alcohol before 10AM and after 10PM are expected to detail in their operating schedule how they intend to promote the licensing objectives.</p> <p>Furthermore, for existing premises that do not comply with their licence conditions – on review, the licensing sub-committee is encouraged to restricting non-compliant premises hours to 10:00hrs-22:00hrs for licensable activities.</p> | Amendments highlighted in yellow. |
| 33.0 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS<br>33.8 | As mentioned early on in the amendments to policy on review, the Council’s Senior Licensing Officer is delegated the function of acting as Responsible Authority on behalf of the Licensing Authority. Detail provide on separation of duties as appropriate.  | Amendments highlighted in yellow. |
| 34.0 THE ROLE OF WARD COUNCILLORS<br>34.1 – 34.5                  | Description of the important role that Ward Councillors can play at Sub-Committee Hearings.  | Amendments highlighted in yellow. |
| 33.0 APPLICATION CONSULTATION<br>35.1 – 35.4                      | Summary of consultation information and instructions for applicants  | Amendments highlighted in yellow. |
| 36.0 PROVISIONAL STATEMENTS                                       | Guidance on submitting Provisional   | Amendments highlighted in yellow. |



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| 36.1 – 36.3  | Statements   |                                   |
| 37.0 FILM CLASSIFICATION<br>37.1 – 37.5  | Guidance on the Licensing Authority's position with regards to Film Classification   | Amendments highlighted in yellow. |
| 38.0 SUSPENSION OF LICENCES AND CERTIFICATES FOR NON-PAYMENT OF ANNUAL FEES<br>38.1 – 38.5 | Guidance on the Licensing Authority's position for the recovery of annual maintenance fees.  | Amendments highlighted in yellow. |
| 39.0 IMMIGRATION ACT<br>39.1 – 39.5  | Guidance on the Immigration Act and how this now applies to Licensing. The Licensing Authority will now work in partnership with the Home Office (Immigration Enforcement) and Greater Manchester Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late night refreshment.   | Amendments highlighted in yellow. |
| 40.0 OTHER REFERENCES AND GUIDANCE<br>40.1   | List provided of other references and guidance documents to assist applicants.   | Amendments highlighted in yellow. |
| 41.0 PRE-APPLICATION CONSULTATION SERVICE<br>41.1 – 41.10                                  | <p>The pre-application consultation service will highlight common pitfalls and assist business owners through the licensing application process, in turn promoting a successful and thriving borough, creating pride in our local area.</p> <p>The pre-application consultation service is tailored business advice provided other than under an existing Primary Authority Partnership.</p> | Amendments highlighted in yellow. |

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| 43.0 LATE NIGHT REFRESHMENT<br>43.1 – 43.5 | Detail on local powers to deregulate   |  |
| 44.0 OUTSIDE SPACE<br>44.1 – 44.6          | The latest update in the S182 guidance provided clarification on the licensing of outside space including beer gardens. Detail is provided on this matter and guidance on the separate licensing of tables and chairs on the public highway. |  |

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# STATEMENT OF LICENSING POLICY

2021-2026



# Trafford Council Statement of Licensing Policy 2021-2026

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# 1.0 Introduction

1.1 Trafford Council is the Licensing Authority under the Licensing Act 2003 (the Act). The Licensing Authority must have regard to this policy when carrying out its functions under the Act.

1.2 The Act requires that the Licensing Authority must publish this statement of licensing policy in respect of each five-year period. This policy will be used as a guide when making decisions regarding licensing matters such as determining applications for licences. The Licensing Authority makes this statement of licensing policy in accordance with Section 5 of the Act.

1.3 This policy comes into force on 7<sup>th</sup> January 2021, and will remain in force for a period not exceeding five years, and will be subject to review and further consultation before 7<sup>th</sup> January 2026. The Council will keep the policy under review, making any amendments as it considers appropriate to support licensing objectives, in particular the Special Licensing Policy on Cumulative Impact will be reviewed at a three year period in accordance with S182 Guidance. All reviews will be subject to further consultation with all stakeholders and any revised policy will be published.

1.4 The revised policy has been subject to consultation. A detailed list of those that have been consulted is included at **Appendix G**. The act requires the Council to consult various bodies, to meet that requirement; the following Responsible Authorities have been consulted:

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- the Public Health Authority;



- The Council's Trading Standards Team
- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises are situated

Further to the minimum requirements around consultation. The Council also consulted representatives of holders of premises licences, club premises certificates, businesses and residents in the Borough.

A public consultation for a 12-week period was also carried out and full details of the proposed changes to the policy were published on Trafford Council's website,

All replies received to the consultation were considered before the policy was finalised and approved.

1.5 We aim to target, with enforcement action, any premises that are associated with crime and disorder, threaten public safety, generate public nuisance or threaten the wellbeing of our children. This policy along with other local strategies and initiatives will be used to control the negative impacts that licensed premises can cause such as increased crime and noise.

## The Trafford Council Corporate Plan 2018-22

1.6 The Corporate Plan sets out the strategic vision and the Executive's overarching ambitions. It is a priority that Trafford has successful and thriving town centres. A key theme is creating pride in our local area; Trafford Council aims to achieve this by maintaining Trafford as the safest borough in Greater Manchester. An enabler of this vision is this Statement of Licensing policy which presents a sincere approach to partnership working, greater scope in terms of model conditions and supporting licensing strategies.

1.7 The Licensing Authority has taken full account of the guidance issued by the Secretary of State under Section 182 of the Act. Consideration has also been given to the provisions of the European Convention on Human Rights, The Equality Act 2010 and the provisions of the Crime and Disorder Act 1998.

## 2.0 Purpose

2.1 The Act provides a clear focus on the promotion of four statutory licensing objectives. The Licensing Authority must have regard to these four objectives when undertaking its various licensing functions and must ensure that they are promoted. The four licensing objectives are:

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

Each objective is of equal importance and they are the only matters that the Licensing Authority is permitted to have regard to when making determination on licensing applications.

2.2 The Council, in adopting this licensing policy, recognises both the needs of residents for a safe, healthy and sustainable environment to live and work, and the importance of well-run entertainment premises to the local economy and vibrancy of the Borough. The Council is committed to partnership working with the Police, fire service, local businesses, licensing trade, local people and those involved in child protection towards the promotion of the common objectives as set out in this policy.

2.3 This policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions.
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough.
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions.

4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives.

5) To support decisions made by the Council when these decisions are challenged in a court of law.

2.4 The Act has created a number of licensable activities for which it will be the responsibility of this Authority to accept applications, issue relevant licences and to enforce the requirements of the Act in relation to those activities, in line with the four licensing objectives. The licensable activities are:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment in the presence of an audience meaning:
  - Exhibition of film
  - Performance of plays
  - Indoor sporting events
  - Boxing or wrestling
  - Live music
  - Recorded Music
  - Performance of Dance
  - Anything of a similar description
  - The provision of late-night refreshment;
  - Any licensable activity provided on a temporary basis (Temporary Event Notices).

2.3 The Act also requires the Council to consult various bodies before determining the policy. A list of those who were consulted about this policy is contained in **Appendix G**. Due consideration has been given to all those who responded.

## 3.0 Authority Profile

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

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

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

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

3.5 Within Trafford Park there are a number of premises, including the Manchester International Freight Terminal, which is the first point of entry into the UK for food imports from Third Countries.

3.6 Significant shopping areas in Trafford include the INTU Trafford Centre, the 2nd largest shopping centre in the UK, with more than 348,000sq.m. of shopping and leisure space, around 280 shops and more than 50 places to eat, employing over 8000 people, and accounting for 30 million visitors a year.

3.7 There are also shopping centres in Altrincham, Sale, Urmston and at the Stretford Mall, and indoor and outdoor markets across the Borough.

3.8 Trafford is also the home of Manchester United Football Club, Altrincham Football Club and Lancashire County Cricket Club (LCCC). In recent years the cricket club has been a major venue for concerts for major international artists with audiences of up to 50,000.

3.9 Other major leisure venues include the Silver Blades Ice Rink in Altrincham Town Centre (home to the Manchester Phoenix ice hockey team), the Chill Factor (the UK's longest real snow indoor ski slope), the Airkix Indoor Skydiving Centre, the Imperial War Museum (North), Event City (the second largest exhibition space outside of London), the Sea Life Centre Aquarium at the Trafford Centre and 02 Victoria Warehouse.

3.10 A number of commercial outlets in Trafford now offer licensable activities identified in the Act. In total there are 765 licensed premises in Trafford. This includes 228 shops/off licences and 154 in the category of pubs and clubs. As of the 1<sup>st</sup> April 2020, in Trafford there are 1973 restaurants and other caterers and 501 food retailers, a number of which provide late night refreshment.

## 4.0 Applications

4.1 When considering an application, the Licensing Authority will have regard to:

- The Licensing Act 2003 and relevant regulations;
- Government guidance issued under section 182 of the Licensing Act 2003;
- Any supporting regulations (as may be issued and/or amended by the Secretary of State from time to time); and
- This Statement of Licensing policy.

Applicants should also have regard to these documents when preparing their application.

4.2 Each application will be considered individually on its own merits. This policy does not undermine the rights of any person to make an application under the Act for a variety of permissions or the right of any person to make representations or seek a review of a licence or certificate where the Act permits this.

4.3 Without prejudice to the right of any person to submit an application at any time, applicants are encouraged to discuss their proposals in advance with the Police. It may be beneficial to draw on the experience of the Police in relation particularly to the prevention of crime and disorder. Whilst there is no obligation on the part of the applicant to accept any advice or proposed condition requested by the Police (any conditions must be proportionate and appropriate), it remains that should there be areas of agreement between the two parties a representation from the Police would be less likely and (in the absence of any other representations) would lead to a speedier determination of the licence application.

4.4 When making an application, applicants should have regard to the local area and reflect this in their operating schedule.

4.5 An application for a premises licence must be made in the prescribed form to the Council. The application must be accompanied by:

- the required fee;
- an operating schedule (see below);
- a plan of the premises in a prescribed form to which the application relates; and
- if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor.

4.6 Application will only be deemed to be 'received' once all the required supporting information has been received

4.7 The operating schedule should ideally include a general description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers). It is also expected to indicate the type of entertainment available on the premises, whether licensable under the 2003 Act or not. This is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary at such premises for the protection of children from harm. For example, it is important that plans for regulated entertainment of an adult nature or with sexual content should be disclosed. An operating schedule must also set out the following details:

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

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

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

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

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

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- the Public Health Authority;



- The Council's Trading Standards Team
- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises are situated.

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

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

## Consultation

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

4.13 As part of the consultation process, the Council may choose to consult with whoever appears appropriate to help it determine the application. Such interested parties may include: Councillors, persons living in the vicinity; bodies representing persons living in that vicinity; individuals involved in businesses in the vicinity; and bodies representing those persons involved in such businesses. In addition, these groups or organisations may themselves seek comments from others whom they know may wish to be aware of the application. These comments may in turn be passed on to the Council as part of the consultation process.

## Representations

4.14 If no responsible authority makes a representation about an application and no interested party seeks to do so, then no hearing would be required and the application will be granted in the terms sought subject only to

conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act.

4.15 Where a representation is made under the terms of the Act by any person there will be a preliminary stage at which the Council will consider whether the representation is relevant, and not vexatious or frivolous. If the Council decide it is not relevant, no hearing is required in relation to that representation and in the absence of representations from other parties or responsible authorities, the application must be granted. The aggrieved person whose representation is not regarded as “relevant” may challenge the licensing authority’s decision by way of judicial review.

## Public health representations

4.16 Section 104 of the Police Reform and Social Responsibility Act 2011 amends the 2003 Act so as to include the Clinical Commissioning Group (CCG) Health and Wellbeing Board for the area as a responsible authority.

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

4.18 Representations should be evidence based and should demonstrably refer to one or more of the licensing objectives. As there is no licensing objective relating to public health, the CCG must ensure representations are relevant to one of the four existing objectives.

## Determination

4.19 Where a representation is lodged by a responsible authority about a proposed operating schedule, the Council’s discretion will be engaged. It is also engaged if any person makes relevant representations to the Council which are not frivolous or vexatious. A hearing will be required at which the disputing parties should be invited to present argument. The need for a hearing can only be dispensed with by the agreement of the Council, the applicant and all of the parties who made relevant representations. The hearing process must meet the requirements of the Regulations made under

the Act. The Council will seek to focus the hearing on the steps needed to promote the particular licensing objective which have given rise to the specific conflict and avoid straying into undisputed areas. In determining the application the Council will give appropriate weight to:

- the argument and evidence presented by all parties;
- the guidance issued by the Secretary of State under Section 182 of the Act;
- this policy;
- the steps that are necessary to promote the licensing objectives.

**4.20** The Council will give its determination with reasons provided to support the determination. After considering all the relevant issues, it will be open to the Council to grant the application subject to such conditions that are consistent with the operating schedule, and these can be modified to such an extent that the Council considers necessary for the promotion of the licensing objectives. Alternatively, the Council may refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

## Variations

**4.21** Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises what alternative steps he or she intends to take (if any) to promote the licensing objectives. The application for variation will enable the responsible authorities with expertise in licensing matters to consider whether the proposal is acceptable.

**4.22** Particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises.

## 5.0 Representations

5.1 The Act describes two groups that may make representations to applications. These groups are “Responsible Authorities” and “Other Persons”.

5.2 The meaning of ‘other persons’ is any individual, body, organisation, group, association or business who is, or is likely to be, affected by the operation of a licensed premises. Other persons do not need to live within the vicinity of the premises to make a representation. However, the Licensing Authority will consider the location of the person making the representation when deciding what weight to allocate to the representation.

5.3 Any representation must be relevant, meaning that it must relate to one or more of the licensing objectives. All representations will be considered on their merits unless the authority deems that a representation is vexatious, frivolous or (in the case of a review) a repetition. In relation to applications for reviews a repetitious representation is one that is identical or substantially similar to grounds for review specified in an earlier application for review made in respect of the same premises that has already been determined by the Council.

5.4 Any representation must be received within the prescribed consultation period allocated to an application (28 days for new, variation and review applications). Any representations not received within the specified time will be invalidated and returned. It is the responsibility of the person making the representation to ensure that their representation is received on time. Representations may be hand delivered in writing to the Trafford Town Hall, posted to the Town Hall or sent by email to [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk) . Trafford Council are unable to accept verbal representations over the telephone.

5.5 Copies of representations, including the name and address details of the person making the representation will be sent to the applicant. We are unable to accept anonymous representations. Telephone or email details will not be shared with the applicant unless agreed with the person who submitted representation has expressively given their consent for this information to be released.

## Petitions

5.6 It should also be made clear that the lead petitioner is expected to speak on the behalf of all petitioners at any hearing - if a person signing the petition would also like to raise their own representation, then this individual method is an option for them to guarantee their right to make oral representation and raise whatever issues affect them directly.

5.7 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:

- We ask that the instigator of the petition identifies themselves as a central point of contact.
- We may need to make contact in order to verify certain matters and if we are unable to do this it could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses must be supplied.
- The petition must make clear the premises/application to which it relates
- The petition must relate to one or more of the licensing objectives
- Petitions regarding the Licensing Act 2003 must be submitted in accordance with Trafford Council's procedures on representations to the offices of the Licensing team at Trafford Town Hall, Talbot Road, Stretford M32 0TH and within the statutory consultation time limit.
- Representations will not be accepted if they are libellous, slanderous, racist or of an unacceptable nature.
- Representations relating to the impact of new businesses on existing trade cannot be taken into account.
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.
- We will not write to each signatory separately, but instead assume that the instigator will advise each signatory of the hearing date and the final outcome of the application. It is expected that the instigator will represent the signatories at the hearing and to speak for them.

## 6.0 Determining Applications

### Licensing objectives

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

The Licensing Objectives are:

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

Each objective is of equal importance.

### Premises licences

6.2 When determining applications, the Council will take into account the operating schedule submitted by the applicant, the suitability of the premises for the intended use, any cumulative impact policy which may be in effect and any representations received as a result of the consultation process.

6.3 When considering any application, the licensing Authority will so far as possible avoid duplication with other regulatory regimes and does not intend to use the Licensing Act to achieve outcomes that can be achieved by other legislation.

6.4 In particular the licensing functions will be carried out separately from the Council's functions as the Planning Authority. However, it will normally be expected that applications for premises licences in respect of permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned (other permissions, such as permission of the premises owner, may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where appropriate).

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

- Crime and Disorder Act 1998 in particular Section 17
- The Health & Safety at Work Act etc. 1974
- The Environmental Protection Act 1990 (as amended)
- The Regulatory Reform (Fire Safety) Order 2004
- The Equalities Act 2010
- Human Rights Act 1998
- Safety of Sports Grounds Act 1975
- Town and Country Planning Act 1990
- Planning & Compulsory Purchase Act 2004
- Police Reform Act 2000
- The Police and Crime Act 2009
- The Anti-Social Behaviour, Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- Health Act 2006

6.6 The licensing process can only seek to control those measures within the control of the licensee, and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:

- matters within the control of individual licensees and others who are granted any relevant authorisations;
- the premises and places being used for licensable activities and their vicinity; and
- the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

## Public health

6.7 The licensing authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003.

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

6.9 Applications relating to premises will be made by a person who is, or who proposes to be carrying on the business involving the use of the premises. A person can include a company. All applications for licences and variations of licences are subject to a consultation process, the following will be consulted:

- Responsible Authorities
- Ward Councillors;
- Ward Councillors of adjoining wards if premises are adjacent to ward boundaries
- Neighbouring Boroughs should the premises be adjacent to a Borough boundary;
- Appropriate Council departments;
- Any other group the Council considers appropriate;

6.10 The applicant for any premises licence is responsible for placing an advertisement at the premises and in a local newspaper, the Council will advertise the application on the Council website. The law requires that the notice on the premises must be on pale blue paper of at least A4 in size, the writing must be of font size 16 or equivalent and that it must be clearly visible from the outside of the premises. The newspaper advertisement must appear in a local newspaper circulating in the area within 10 working days starting on



the day after submission of the application to this authority. At the end of the consultation process, the application will be determined. If no representations have been made, then an officer of the Council will determine the application under delegated authority and the licence will be granted in line with the application and operating schedule. If there are representations, the application will be determined by the Licensing Sub-Committee. The Council may consider representations based on the impact of the promotion of the licensing objectives in the Borough generally, and on the grant of the particular application before them.

**6.11** Where representations are made to a particular application, either from a responsible authority about a proposed operating schedule or from an “other person” that relates to the licensing objectives, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.

**6.12** In all cases, applicants and those making representation in respect of applications made to the licensing authority have a right of appeal to the Magistrates’ Court against the decisions of the Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the licensing authority.

**6.13** Guidance is available for applicants, which sets out the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures. It should be noted that incomplete applications will not be accepted but will be returned with an explanation as to why it is incomplete.

**6.14** Guidance is equally available for those wishing to make representation or to call a review of an existing licence.

## Minor variations

**6.15** Minor variations will be considered in respect of minor changes to the plan, structure or layout of a premises, small changes to licensing hours, the removal or addition of conditions where appropriate, the removal or addition of licensable activities to the scope of the licence (where permitted by legislation) and any other minor matter where it is considered that the

application does not adversely impact on one or more of the licensing objectives.

**6.16** A simplified process will be adopted for minor variations. The licensing authority will consult with any relevant responsible authority that it deems appropriate (if any) and any representations from them will be considered. Whilst each application will be considered on its individual merits, it will be normal practice to refuse an application for a minor variation in favour of a full variation should any representations be received, unless agreement can be reached which satisfies the representation. In the absence of any representation the minor variation would normally be granted provided that there is no likelihood of any adverse effect on the licensing objectives.

## 7.0 Promoting the Four Licensing Objectives

7.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence will be required to provide a fully completed, detailed operating schedule. This schedule will be in the prescribed format. By completing this operating schedule, applicants will demonstrate that they have considered strategies that will lead to fulfilment of the licensing objectives. The schedule will contain the following information:

- The licensable activities to be conducted on the premises
- The times during which these activities will take place (including any differing times during holiday periods or during particular seasons if it is likely that times would be different);
- Any other times when the premises will be open to the public;
- If alcohol is to be supplied for consumption on the premises, the name and address of the designated premises supervisor;
- Whether alcohol will be supplied for consumption on or off the premises;
- What steps the applicant will take to promote the four licensing objectives;
- Any other details set out from time to time in regulations issued by the Secretary of State.

7.2 In respect of each of the four licensing objectives, applicants will be expected to provide evidence to the licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended, or is likely to attract larger audiences.

7.3 The most appropriate means for an applicant to assess what measures are needed to promote the licensing objectives would be by completion of a risk assessment. The operating schedule forms the basis of any conditions placed on any licence issued. It also provides valuable information to responsible authorities and other persons to assist in their assessment of the

impact of any licensed activity on the licensing objectives and provides information as to how the applicant will address these issues. It could therefore, form the basis of any decision to submit representation against the application. For this reason, although the Licensing Authority recognise that a risk assessment cannot be demanded (other than where required by other legislation) it would be in the applicants interest to provide the fullest possible detail in the operating schedule, for which a full risk assessment would provide confirmation that the applicant has seriously considered the issues and is aware of his/her duty to promote the licensing objectives at all times, but more importantly is aware of how this may be best achieved.

7.4 One example of where a risk assessment is required under separate legislation is under the Regulatory Reform (Fire Safety) Order 2005, which requires that a fire safety risk assessment must be recorded and made available for inspection. The fire service would normally expect this information to be made available on application for a premises licence.

7.5 Applicants have primary responsibility for their own particular premises and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

7.6 Guidance is offered below as to possible control measures, which may assist applicants in formulating their operating schedule. Given the earlier acknowledgement of the numbers of different types of premises, it should be noted that these measures are by no means to be considered an exhaustive list. Many control measures achieve more than one objective but have not necessarily been repeated under each objective. Similarly applicants will not be expected to list a control measure more than once in their operating schedule.

7.7 Additional measures may need to be considered on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended or likely to attract a larger audience, or audiences of a different nature, which may have significant impact on the achievement of the licensing objectives. Where applicable, reference must be made in an applicant's operating schedule to such occasions, which should highlight the

additional measures that are planned in order to achieve the licensing objectives.

7.8 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered and addressed within an applicant's operating schedule.

## Capacity

7.9 Whilst it is acknowledged that the setting of occupancy limits for a premises is not a requirement, this is considered to be an essential factor in effective achievement of the licensing objectives in relation to premises other than those licensed primarily for the consumption or sale of food and for sale of alcohol for consumption 'off' the premises. In relation therefore to relevant premises operating on the basis of selling alcohol for consumption 'on' the premises and/or providing a high level of regulated entertainment and for specific types of occasional events, the Licensing Authority will expect that the issue of occupancy capacity is considered and, where appropriate, addressed. Within the operating schedule and in appropriate instances a voluntary maximum occupancy capacity would be considered 'good practice'.

7.10 When determining capacity in line with above, important factors would include the design and layout of the premises and the size and number of exits within recommended travel distances. Other factors to be considered could include:

- The nature of the premises or event;
- The nature of the licensable activities being provided;
- The provision or removal of such items as temporary structures, such as stages or furniture;
- The number of staff available to supervise customers both ordinarily and in the event of an emergency;
- The usual average age of customers
- The attendance by customers with disabilities, or who's first language is not English;
- Availability of suitable and sufficient sanitary accommodation; and

- The nature and provision of facilities for ventilation.

7.11 The agreement to a capacity for a premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded. Equally this does not remove the requirement for the applicant to consider the use of door staff or for a responsible authority to make representation to that issue on the basis of fact and in appropriate and proportionate circumstances. In such cases if agreement cannot be reached between applicant and the responsible authority concerned, the matter would be determined by members of the licensing panel, who would assess the individual circumstances of the matter based on its individual merits.

## 8.0 Prevention of Crime and Disorder

8.1 Trafford Council is committed to further reducing crime and disorder within Trafford and helping people feel safe. 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, and variations of conditions.

8.2 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. 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 reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

8.3 Particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises.

8.4 When addressing the issue of crime and disorder, the applicant should be able to demonstrate that those factors that impact on crime and disorder have been considered. These factors include:

- Underage drinking;
- Drunkenness on the premises;
- Public drunkenness;
- Drugs;
- Violent behaviour;
- and Anti-social behaviour.

8.5 Examples of control measures are highlighted below, to assist applicants, who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of the premises; 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;

- Training and supervision of staff; 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;
- Adoption of best practice guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice, including those relating to drinks promotions);
- Acceptance of accredited 'proof of age' cards e.g. PASS and/or passports and photographic drivers' licences;
- Incident and refusal books kept and maintained on the premises;
- Membership of the "Reducing the Strength" scheme;
- Provision of effective CCTV in and around the premises;
- Employment of Security Industry Agency (SIA) door staff;
- Provision of polycarbonate drinking vessels;
- Provision of secure deposit boxes for confiscated items ('sin bins') such as drugs weapons etc;
- Provision of security measures such as outside lighting; and
- Membership of local 'pubwatch' schemes or similar;
- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.

8.6 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 midnight) or in premises with a history of crime and disorder issues.

8.7 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 any 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.

8.8 In addition, in 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.

8.9 All premises applying for licensing beyond midnight 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.

8.10 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.

8.11 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.

8.12 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.

8.13 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.

8.14 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 £20.00" or time limited price promotions) encourage significant alcohol intake within short periods of time ('binge drinking'), and the Council may consider, where relevant representations have been made, imposing special conditions. If such promotions are permitted, they should be held in accordance with the mandatory conditions which prohibit irresponsible promotions.

8.15 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

8.16 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.

8.17 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.

8.18 The Council will work closely with the Police to review the licences of premises where a Police Closure Notice has been served.

8.19 Off Licences, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as an easy premises from where to acquire alcohol. Such premises can contribute to antisocial behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.

8.20 It is important that members of staff working at off licences are suitably trained in their responsibilities under the Act and can discharge their duties in

full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where appropriate. The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- The likelihood of any violence, public order, disorder or policing problem if the licence is granted;
- The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control;
- Past conduct and prior history of complaints against the premises;
- Whether a dispersal policy has been prepared to minimize the potential for disorder as customers leave the premises; and
- Any relevant representations.

**8.21** It is recommended that applicants discuss the crime prevention procedures in their premises with the Greater Manchester Police Licensing Constable and Trafford Council's Licensing Officer before making a formal application.

**8.22** The Licensing Authority is aware of the link between the supply of discounted alcohol and incidents of alcohol related disorder as well as the impact that excessive consumption of alcohol or binge drinking can have on public health and will consider whether any additional measures or restrictions can be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'.

**8.23** Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder; keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

- Where door supervisors conducting security activities are to be a condition of a licence, conditions may also be needed to deal with the number of supervisors required, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

**8.24** The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

**8.25** It may be appropriate at some premises for notices to be displayed that warn customers of the prevalence of crime that may target them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed that advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

**8.26** This authority supports the national Pubwatch scheme. Such schemes are voluntary (unless there is a specific licence condition that makes membership obligatory) as they are organised by licence holders themselves to share good practice and intelligence information, thus promoting due diligence.

8.27 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

8.28 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 stadium

8.29 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.

8.30 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.

8.31 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.

8.32 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.

## 9.0 Public Safety

9.1 Trafford Council is committed to ensuring as far as practicably possible that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

9.2 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.

9.3 When addressing the licensing objective of public safety, an applicant will be expected to demonstrate that those factors that impact upon the standards of public safety have been considered. These may include:

- 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 another type of 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 occupancy capacity of the premises, meaning 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 hours of operation (differentiating the hours of opening from the hours during which licensable activities are conducted, if different);
- 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.
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.

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.

9.4 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.



9.5 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.

9.6 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.

9.7 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.

9.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments;
- Effective and responsible management of the premises;
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and its patrons;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and its patrons;
- Adoption of best practice guidance;
- Provision of effective CCTV in and around the premises;
- Provision of polycarbonate drinking vessels;
- Implementation of crowd management measures; and
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

9.9 It should be noted that in the context of promoting public safety, this relates to the physical safety of those using the premises and not public health, although there may be an incidental public health effect from some conditions designed to promote public safety.

9.10 It should be noted that conditions relating to public safety should be those that are appropriate, in the particular circumstances of any individual premises or club premises and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures appropriately to avoid and control these risks. Conditions enforcing those requirements would therefore be inappropriate.

9.11 Fire safety guides are available to assist with the completion of operating schedules and may be found at:

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

9.12 The significant findings of a Fire Risk assessment would consist of:

- A list of the fire hazards as identified by the risk assessment;
- The control measures put in place to remove or mitigate the hazards presented;
- Details of the persons affected by the hazards within the premises;
- Details of the actions to be taken in the event of a fire or the actuation of a fire alarm (emergency plan);
- Individual roles and responsibilities.

9.13 Glasses containing drinks may be used as weapons during incidents of disorder and in un-toughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring the use of polycarbonate (or similar) containers where considered appropriate. Location

and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of polycarbonate containers during the televising of live sporting events, such as international football matches or “high risk” matches, when high states of excitement and emotion fuelled by alcohol might arise, may be an appropriate condition. It should be noted that the use of polycarbonate or paper drinks containers may also be relevant as measures appropriate to promote public safety.

**9.14** Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be appropriate to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered appropriate, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

## Medical resource

**9.15** The applicant should complete a risk assessment as to the type and amount of medical provision is required for their event. Assistance can be taken from the Purple Guide; the expectation of the Licensing Authority is that medical resourcing matches the formula given in the Purple Guide as a minimum. Sufficient reasons would need to be given to depart from this position.

**9.16** The Licensing Authority expects exclusive medical provision for events with capacity over 1,000 such as boxing, concerts, festivals, DJ sets, sports events, live-streamed sports events for example in a fan zone. ‘Exclusive medical provision’ means that those designated with roles under a Medical Resource Risk Assessment are not given any other roles or duties other than their assigned tasks relating to medical support.

## 10.0 Prevention of Public Nuisance

10.1 Licensed premises have a significant potential to adversely impact upon communities through public nuisances that arise from their operation. This Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of a licensed premise whilst balancing this with the recognition of the valuable cultural, social and economic importance that such premises provide.

10.2 It is the intention of this Authority to interpret 'public nuisance' in its widest sense, 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.

10.3 It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions of the Licensing Act 2003 enable a police constable or council officer to close down licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

10.4 It should be clear to applicants that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received.

10.5 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 prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

10.6 When addressing the issue of the prevention of public nuisance, the applicant must demonstrate to the licensing authority that those factors,

which impact upon the likelihood of public nuisance, have been considered.

These may include:

- The location of the premises and its proximity to residential and other noise sensitive premises such as hospitals, hospices and places of worship;
- The hours of opening, particularly between 23.00 hours and 07.00 hours;
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside
  - or outside the premises;
- The design and layout of the premises and in particular the presence of noise limiting features;
- The occupancy capacity of the premises;
- The availability of public transport;
- 'Wind down period' between the end of licensable activities and the closure of the premises;
- Last time of admission;
- 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
- Fly posting;

- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics;
- Any concerns / representations raised by a Responsible Authority such as the Pollution Control Authority, Licensing Authority or Greater Manchester Police.

10.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly;
- Control of operating hours for all or parts (e.g. Gardens) of the premises, including such matters as deliveries;
- Adoption of best practice guidance;
- Installation of sound proofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However, nuisance can arise at any time of the day or night;
- Liaison with public transport providers;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- Siting of external lighting, including security lighting;
- Management arrangements for the collection and disposal of litter;
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- The generation of odour, e.g. from the preparation of food;
- Provision of details pertaining to local taxi or private hire companies; and
- Effective ventilation systems to prevent nuisance from odour.

10.8 Noise may often be created by patrons and/or their modes of transport arriving and leaving licensed premises, or from machinery or vehicles belonging to the licence holder's business, refuse collection and deliveries. Discarding of wrappers, bottles, cans and general litter may also present problems in relation to particular premises. Whilst not in themselves a licensable activity, there may be occasion (such as in residential areas) where these factors are taken into account as part of the determination process and conditions may be imposed.

10.9 Following implementation of the Health Act, no person is permitted to smoke inside any substantially enclosed licensed premises (subject to the provisions of the Health Act) and as such is required to smoke outside. The Licensing Authority will consider any representation relating to noise, antisocial behaviour or smoke drift associated with this activity in relation to any licensed premises and will consider any appropriate and proportionate conditions on an individual basis.

10.10 In order to prevent breaches of the Health Act 2006, the Licensing Authority may attach conditions to a premises licence to restrict the sale of tobacco, shisha tobacco and shisha pipes at certain premises.

10.11 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.

10.12 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.

10.13 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.

**10.14** 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.

**10.15** 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.



10.16 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.

## 11.0 Protection of Children from Harm

11.1 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.

11.2 It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, inappropriate.

11.3 Within this objective is included the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, transmission of programmes or videos or provision of certain other types of regulated entertainment, this includes the protection of children from exposure to strong language and sexual expletives. There are certain circumstances where children are more vulnerable with their needs therefore, requiring special consideration. Such circumstances would include striptease, lap, table or pole dancing, performances involving feigned violence, feigned or actual sexual acts or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example and the unpredictability of their age and the lack of understanding of danger.

11.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

11.5 When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give rise to particular concern to the licensing authority in respect of children are:

- Where entertainment or services of an adult or sexual nature are provided;
- Where there have been convictions, warnings, notices or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
- With a known association for drug taking or dealing;
- Where there is a strong element of gambling on the premises; and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- There have been representations from police, the local Safeguarding Children Board, trading standards, Police, Licensing Authority or any other responsible authority, or relevant agency / representative.

11.6 The following are examples of possible control measures, although are not exhaustive and not relevant in all cases. They are considered however, to be amongst the most essential measures that applicants should take account of in their operating schedule, having regard to their particular type of premises and /or activities:

- Effective and responsible management of premises;
- Provision of a sufficient number of people employed or engaged to secure protection of children from harm;
- Appropriate instruction, training and supervision of those employed or engaged to secure protection of children from harm;
- Staff attendance at an Age Verification training scheme;
- Adoption of best practice guidance;
- Limitations on the hours when children may be present in all parts of the premises;

- Limitations or exclusions by age when certain activities are taking place;
- Imposition of requirements for children to be accompanied by adults;
- Acceptance of accredited proof of age schemes such as “Challenge 25” or photographic identification such as passports and photo-card driving licences;
- Refusals books to record all refused sales of alcohol to those who are presumed to be underage;
- Measures to ensure children do not purchase, acquire or consume alcohol; and
- Measures to ensure children are not exposed to violence or disorder.
- 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.

11.7 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.

**11.8** 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.

**11.9** 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:

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

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

- convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;

- a known association with, or inadequate arrangements to deter, drug taking or dealing;
- a strong element of gambling on the premises;
- entertainment of an adult or sexual nature is commonly provided;
- inadequate arrangements to protect children from the supply and use of other products which it is illegal to supply to children;
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

**11.11** 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:

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

**11.12** No conditions will be imposed to the effect that children must be admitted to licensed premises.

**11.13** Licensees of all premises supplying alcohol are encouraged to adopt a policy of requiring proof of age where there is any doubt about the age of any person attempting to purchase alcohol, accepting such documents as passports, driving licences and accredited proof of age schemes such as PASS or similar schemes. Licensees are also encouraged to display prominently signs displaying information that under 18's will not be served alcohol and that those who appear under 25 will be asked to prove their age.

**11.14** The Council's Trading Standards Team investigate all complaints or allegations regarding the under-age sale of alcohol and conduct intelligence led test purchase enforcement operations as appropriate.

**11.15** The Council requires all operators of cinemas to comply with the classification systems for films administered by the British Board of film

Classification and to ensure that procedures are in place to achieve compliance with the age classification system in existence at any time. The Council accepts the BBFC classification.

**11.16** 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.

**11.17** 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.

**11.18** The Council will expect that licensees ensure that any age restrictions for cinema exhibitions are properly complied with.

**11.19** 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

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

**11.21** 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.

**11.22** The Council will expect the premises to provide sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

## Tackling child sexual exploitation

**11.23** Alcohol is often a factor in Child Sexual Exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.

**11.24** The licensing authority encourages licence holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime
- To raise the awareness of their staff about child sexual exploitation and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.

**11.25** The risks vary depending on the style and character of the business but premises can be involved in the following ways:

- If an adult venue (night clubs or sex entertainment venue) is frequented by underage customers this can attract perpetrators; or if a premises (or event) hosts under 18 events or mixed age activities;
- Where underage drinking takes place, children and young people are vulnerable as their judgement is impaired;
- There is a risk of CSE at premises where goods or services can be offered in exchange for sexual favours (such as free food, transport, drinks, cigarettes, or free access to a venue). This can happen if a perpetrator is employed there (or works voluntarily) and has regular or private contact with children;
- Children and young people are vulnerable in areas of premises that are not monitored (such as toilets, beer gardens);
- Risk may present if information technology is in use at a premises (internet, mobile phones/cameras/video recorders);
- Premises providing facilities for private parties, private dancing/entertainment booths or overnight accommodation may be vulnerable to child sexual exploitation.



**11.26** Nevertheless, the licensing authority has taken account of the view of the Government that the use of licensed premises by children should be encouraged where appropriate.

**11.27** 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.

**11.28** Under the Licensing Act 2003, the 'due diligence' defence can be used to protect your business, if you can demonstrate that all reasonable steps have been taken to manage risk. Here are some suggested safeguarding measures to help evidence 'due diligence' and keep children safe:

- Undertake a written children and young people's risk assessment and use it to inform your operating policy and staff training;
- Staff should be trained to recognise indicators of child sexual exploitation and know how to report concerns;
- Staff should be trained to operate an age verification scheme, know what types of identification are acceptable and to recognise signs of proxy purchase of alcohol;
- Staff training records should be maintained;
- Activity at the premises should be monitored (for example using CCTV or by regular patrols. Patrol records should be maintained);
- Suspicious activity should be reported to the police (including details such as vehicle registration numbers, description of individuals) and should be recorded in your incident log;
- If you, or your staff, are in a situation involving the supervision of a vulnerable young person at your premise, it is important to follow a consistent and auditable protocol;
- If you have a hot food delivery service enforce a code of conduct to promote good safeguarding practice when deliveries are made to unaccompanied children.

## 12.0 Sex Establishment Venues

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

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

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

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

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

## 13.0 Promotion of Other Strategies

### Reducing the strength

13.1 The Licensing authority intends to introduce a “Reduce the Strength” campaign. The campaign aims to restrict the availability of beer, lager and cider which has an ABV of 6% or above.

13.2 Businesses are encouraged to sign up to the scheme and promotional posters and window stickers can be obtained from the licensing team free of charge.

13.3 Applicants for new or variation applications which include a request to sell alcohol for consumption off the premises are encouraged to include membership of the scheme within their operating schedule. Details of the wording of a suitable condition can be viewed in local pool of licence conditions at **Appendix C**.

13.4 Where applicants do not propose membership of the scheme within their operating schedule and there is evidence of street drinking within the vicinity of the premises, the licensing sub-committee may, if appropriate, attach a condition prohibiting the sale of beer, lager or cider with an ABV equal to or exceeding 6%.

### Boxing

13.5 The rise in popularity of White Collar Boxing has encouraged the Council to provide guidance on the Licensing Authorities expectations for any boxing promoters to consider as measures for their operating schedule.

13.6 The following is guidance for organisers of boxing events in the Trafford Council area regarding the issues that should be included in a risk assessment:

- Full contact details of the organisers and other parties involved in the event;
- The medical cover that will be provided at this event. Will there be a

Registered Doctor and a Paramedic will be provided as a minimum. Has the facility of providing an ambulance been considered for the event?

The Council would prefer that an ambulance is provided;

- The medical checks that will be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.;
- How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category;
- Details of the ring set up and who will be carrying this out;
- The numbers of referees and judges taking part in the event;
- The type and weight of boxing gloves that will be used by the boxers and how these will be inspected;
- What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties;
- Details of the Personal Protective Equipment that will be worn by boxers;
- Actions that will be taken in an emergency and how parties will communicate;
- Site checks that will be completed prior to the event taking place.

## 14.0 Conditions

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

14.2 Conditions will be attached to licences and certificates only where they are appropriate for the promotion of the licensing objectives.

14.3 In addition to the original mandatory conditions imposed upon the introduction of the Act, Schedule 4 of the Policing and Crime Act 2009 amended the Act to give the Secretary of State the power to impose new mandatory licensing conditions in relation to the supply of alcohol under the authority of a premises licence or club premises certificate. All mandatory licensing conditions apply to all existing and future premises licences which authorise the sale or supply of alcohol. These conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale or supply of alcohol from the date that they come into force.

14.4 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licence or certificate holders risk assessment. This would be translated into the measures recorded in the operating schedule that it is proposed to take to promote the licensing objectives. The operating schedule must also set out the proposed hours of opening. The proposals will then be made available to expert bodies, who are the responsible authorities described in the 2003 Act, and by interested parties such as local residents.

14.5 Licensing is concerned with the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make

objective judgements as to whether it may be appropriate to attach conditions to various authorisations to secure achievement of the licensing objectives.

**14.6** Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

**14.7** Should issues not be addressed within the operating schedule to the satisfaction of any responsible authority, resulting in representations being made, further appropriate conditions may be placed on licences. These conditions may be drawn from the local pool of model licensing conditions, see **Appendix C**, or may be specially formulated to be relevant to a particular situation. Conditions will only relate to matters which the licensee can be expected to control and will relate to the premises themselves, the immediate vicinity around the premises and will focus on the impact of those activities on those living, working or otherwise engaged in the area concerned. The licensing regime exists to ensure that licensed premises and events within the terms of the Act are regulated so that they are both safe and cause a minimum of disturbance.

**14.8** Conditions will only be placed on licences if they are considered appropriate to meet the licensing objectives. Duplication caused by licence conditions that are dealt with by means of other legislation, for example health and safety at work or fire safety, will be avoided. Conditions will only be attached to premises licences and club premises certificates that are appropriate for the promotion of the licensing objectives if not already provided for in other legislation. However, certain safety legislation includes exemptions because it is assumed that licensing controls will provide the appropriate coverage. In such cases conditions will be imposed that are considered appropriate.

**14.9** The Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour of individuals once beyond the direct control of the licensee of any premises concerned. However, it should be noted that the licensee bears a degree of responsibility for persons not only in but also around the immediate vicinity of the premise,

when those persons are either entering or exiting the licensed premise, or are loitering within the boundary of the premise.

14.10 Other mechanisms may be utilised where appropriate to tackle unruly or unlawful behaviour of customers when beyond the control of the individual Public house, club or business that holds the licence, certificate or authorisation concerned. These include:

- Planning controls;
- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority;
- The provision of CCTV surveillance in and around the Borough, provision of public conveniences, street cleaning and litter patrols;
- Powers of the local authority or police to designate parts of the Borough as areas where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at such premises that is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Police and local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder, or noise emanating from the premises that is causing a nuisance; and
- The power of the police, other responsible authorities or local residents and businesses to seek a review of the licence or certificate in question.

14.11 If an applicant volunteers a restriction or prohibition in their operating schedule or following a relevant representation, this will become a condition attached to any licence or certificate issued and will be enforceable as such. Where the responsible authorities and interested parties do not raise any representations about the proposals made to the Council, the Council will grant the licence or certificate subject only to conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions prescribed in the Act itself.

14.12 The Licensing Authority recognises that all applications should be considered on their own merits and any conditions imposed must be tailored to that individual premises. This will avoid the implementation of disproportionate and burdensome conditions. Standard conditions other than mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be appropriate for the promotion of the licensing objectives. However, a condition whether volunteered or otherwise, must be measurable and as such the Licensing Authority may alter the wording of a condition to make it such (without changing the context of the condition) and will keep a bank of worded conditions that may be used in respect of a premises if and when such a condition is considered appropriate to meet one or more of the licensing objectives.

14.13 In order to minimise disputes and the necessity for hearings, applicants are encouraged to consult with all responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.

14.14 Conditions attached to licences and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.

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

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

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



premises used exclusively or primarily for the sale and consumption of alcohol.

## Mandatory conditions

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

## Model conditions

14.18 Standardised conditions will be avoided. However, the Licensing Authority has produced model conditions to provide a consistent approach for all parties by specifying appropriate conditions that could be included on any licence or certificate granted. This could be by the applicant in designing the operating schedule, by other parties in seeking to address concerns associated with the application, or ultimately, by the Licensing Authority when imposing conditions is considered appropriate for the promotion of the licensing objectives.

14.19 The model conditions are not an exhaustive list, and they do not restrict the ability of any party to suggest, or the Committee to impose, any condition they consider appropriate for the promotion of the licensing objectives. The set of model conditions is attached at **Appendix C**.

## 15.0 Strategic Links

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

### Tourism, culture and employment

15.2 The Council recognises that the entertainment/leisure industry is a major contributor to the economy and cultural development of the Borough. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer.

15.3 The Council has prepared a Tourism framework which forms part of the Economic Development Plan highlighting the importance of retaining and enhancing the range of quality hospitality venues (bars, restaurants, clubs) as well as conference and meeting venues in the Borough.

15.4 Hotels, restaurants, clubs, pubs, and entertainment are all elements which contribute to the effectiveness of a destination as a tourist centre. It is estimated that some 83% of tourist spending is upon accommodation, eating, drinking, shopping and entertainment.

15.5 Special events can raise the profile of an area, add animation and life to existing attractions; encourage repeat visits and encourage visitors to stay overnight. Research also indicates that a high proportion of ABC1's, with relatively high spending power, attend urban events and festivals. Hosting events also opens up the opportunity to attend events for local people who are unable for whatever reason to travel to attend such events.

15.6 As part of implementing the Council's cultural strategies, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, for the wider cultural benefit of communities (e.g. community involvement, social inclusion and cultural understanding). The potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children.

15.7 In determining what conditions should be attached to licences and certificates, the Council will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature.

15.8 The Council will monitor the impact of licensing on regulated entertainment, and particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be reversed. Care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events.

15.9 Arrangements will be made for the Licensing Committee to receive, when appropriate, reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in their considerations.

15.10 The Licensing Committee will also be kept apprised of the employment situation in the area and the need for new investment and employment where appropriate.

## Crime and disorder

15.11 Under Section 17 of the Crime and Disorder Act 1998 the Council have a duty to consider crime and disorder reduction in the exercise of all its duties. The Licensing Act 2003 complements this duty for licensing authorities.

15.12 Trafford's Crime and Disorder Strategy 2012-2015 Local Area Agreement and the Strategic Assessment establishes the framework for reducing crime and disorder in the Borough and is underpinned by 8 delivery plans. The delivery plans are for the reduction and prevention of:

- Robbery
- Harm Crime
- Domestic Abuse
- Theft of Pedal Cycle
- Vehicle Crime
- Burglary

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

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

## Alcohol

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

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

- The National Alcohol Harm Reduction Strategy for England;
- Other recognised codes of practice, including those relating to drinks' promotions, e.g. The Point of Sale Promotions published by the British Beer and Pub Association;
- The Greater Manchester Drug & Alcohol Strategy;
- Public Places Prohibition of Drinking Orders.

Such policies will also be relevant when considering relevant representations.

## Drugs

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

15.18 Guidance for club owners and promoters on safe clubbing can be found here [http://www.csdp.org/research/safer\\_clubbing\\_txt.pdf](http://www.csdp.org/research/safer_clubbing_txt.pdf)

## Anti-social behaviour

15.19 The Council maintains that licensing law is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

15.20 Once away from licensed premises, a minority of consumers will behave badly and unlawfully. The Council recognise that other mechanisms for addressing these issues exist both within and outside the licensing regime, for example:

- Planning controls which take into account possible disturbance to adjoining occupiers, particularly of residential accommodation;
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;

- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance; and
- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

15.21 The Anti-Social Behaviour Act 2003 and the Violent Crime Reduction Act 2006 are designed to provide local authorities and the Police with a wider, more flexible range of powers to meet existing responsibilities and respond to the needs of their communities. The Anti-Social, Crime and Disorder Act 2014 was introduced to simplify powers available to the police and Local Authorities in relation to crime and anti-social behaviour.

## 16.0 Other Regulatory Systems

**16.1** Other statutory obligations which fall outside the requirements of the Licensing Act 2003 may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met, or if alcohol is sold the full weights and measures requirements are met. It would be expected that a licensee would have registered the premises as a food business with Trafford Council. Such registration is not a Licensing requirement however businesses are expected to comply with all relevant food safety and weights and measures legislation. Many of the specific licensing requirements relate to matters potentially affecting public safety.

**16.2** In addition to these licensing requirements there are wider duties on all business (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self-employed) as well as the public. Some of these duties are deliberately wide, generalised and all-encompassing e.g. main duties under Section 2, 3, & 4 of the Health & Safety at Work etc. Act 1974, others are very specific e.g. requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are absolute under law and have to be complied with, without exception e.g. hoists and lifting equipment must be examined by a competent person at prescribed intervals. Thus these Health & Safety duties tend to include all specific safety requirements under licensing requirements for the public on the premises and extend them to cover the safety of others e.g. staff, contractors, passers-by etc. Thus there is considerable overlap between the licensing regime and the wider health & safety regimes.

**16.3** The Licensing Authority will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation of this policy and individual applications.

## Planning control

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

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

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

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

16.6 When applying for planning permission the Council, as local planning authority, will consider the potential impacts and benefits of the proposed use within the context of the local development plan and relevant Government guidance and other material planning considerations.

16.7 In circumstances where any restriction has been placed on the use of premises (through the imposition of planning conditions) prior to an



application being made for a licence, certificate or provisional statement, consideration will be given to the extent to which the application meets the overall licensing objectives and the policies contained within this statement.

**16.8** Where necessary, conditions will be attached to a certificate, licence or provisional statement in order to achieve the objectives of this policy. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system. The licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through planning processes, however there will be overlapping issues of interest i.e. disturbance, which will remain material considerations for planning purposes.

**16.9** The licensing committee will, where appropriate, provide reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the planning committee to have regard to such matters when taking its decisions but will also avoid any unnecessary duplication of controls.

## **Building control**

**16.10** Building Regulations govern a variety of issues, which will directly contribute to the licensing objectives, including means of escape, structural integrity, accessibility and public safety. "Approved Inspectors" offer a private sector alternative to local authority Building Control services.

**16.11** Building Regulations Approval and Completion Certificates will be required prior to the commencement of the use of premises for licensable activities.

## **Health and safety at work**

**16.12** The Health and Safety at Work etc. Act 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on, and in other cases the Health and Safety Executive is responsible.

**16.13** Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation.

**16.14** The general duties under health and safety legislation (for example, to undertake a suitable and sufficient risk assessment) may not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment. It is only where additional and supplementary measures are 'appropriate' for the promotion of the licensing objectives that conditions will need to be attached to a licence. Conditions will not be set which duplicate other requirements of the law.

## Statutory nuisance

**16.15** The Environmental Protection Act 1990 places a duty on local authorities to investigate complaints of nuisance (for example, noise), and take enforcement action where a statutory nuisance exists. The Licensing Act provides the power for the Police to close licensed premises (temporarily) to prevent nuisance to the public as a result of noise coming from the premises.

**16.16** The powers available to deal with noise nuisance have been extended by the Anti-Social Behaviour Act. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public or statutory nuisance.

## Fire precautions

**16.17** In determining the provision of appropriate Fire Safety standards for licensed premises, Greater Manchester and Rescue Fire Service (GMFS) Fire Safety Officers will take into account the suitability and sufficiency of the premises fire risk assessment that must be undertaken by the person. From the 1<sup>st</sup> October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will cease to have effect.

**16.18** There will be close co-operation between the Council and GMFS to ensure that the public is properly protected.

**16.19** Where Council inspections identify serious fire safety problems in premises which are subject to licence conditions which they cannot resolve easily or on which they require advice, they will contact the relevant Brigade Fire Safety Officer.

**16.20** Where the premises are a sports ground that is covered by the Safety at Sports Grounds Act 1975, as amended, or the Fire Safety and Safety of Places of Sport Act 1987 the enforcing authority will be the Local Authority which is also the Licensing Authority.

**16.21** It should be noted that under article 43 of the Fire Safety order any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities will not seek to impose fire safety conditions where the order applies.

**16.22** The exception to this is where the licensing authority and the enforcing authority for the fire safety order are one and the same body. For example, designated sports grounds and stands where the local authority enforces the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the licensing authority.

**16.23** The Fire Safety order covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.

**16.24** The responsibility for complying with the order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

## The Equality Act 2010

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

16.26 The new framework covers a series of 'protected characteristics'. People who share these characteristics are regarded as being members of certain 'protected groups'. The protected characteristics are:

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

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

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

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

## Human Rights Act 1998

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

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

## The government's alcohol strategy

16.29 The Government has published an Alcohol Strategy in March 2012 for England which outlines how Authorities can address some of the Social Health and Crime & Disorder issues raised by the misuse of alcohol, particularly when the Licensing Authority is considering applications for any relevant licence made under the Licensing Act 2003. This strategy will be taken into account having regard to matters such as irresponsible drinking and reducing the availability of cheap alcohol etc.

## Government & police guidance for clubs and other licensed premises

16.30 For premises which may have problems with drugs, crime and disorder and/or are open late the Council will refer to the guidance given and will expect applicants in their operating schedules to use the strategies outlined in the Home Office Drug Strategy booklet - Safer Clubbing (ISBN Number: 1840827807). Copies of this booklet can be obtained from the Drug Prevention Advisory Service at [www.drugs.gov.uk](http://www.drugs.gov.uk).

## 17.0 Cumulative Impact

17.1 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town centre of a large concentration of licensed premises in that part of the local authority licensing area. In certain circumstances the number, type and density of premises selling alcohol for consumption on the premises may be such that there are serious problems of nuisance and disorder arising or beginning to arise outside or some distance from licensed premises. It is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together is greater in these circumstances than the usual impact from customers of individual premises.

17.2 Guidance issued under S182 of the Act allows Councils to adopt a special saturation policy in such circumstances and specifies the steps to be followed in considering whether to adopt a special saturation policy. These steps require: -

- identification of concern about crime and disorder or public nuisance;
- consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- consultation with those specified in section 5(3) of the 2003 Act (see paragraph 22.1 of this policy document);
- subject to that consultation, inclusion in the Licensing Policy of a special policy about future premises licence or club premises certificate applications from that area;
- publication of the special policy as part of the Licensing Policy.

17.3 The effect of adopting a special saturation policy is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations in the area(s) identified by the special policy

will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the special policy issues in their operating schedules in order to rebut such a presumption.

17.4 When such a special saturation policy is adopted, each application will still be considered properly and on their own individual merit, and licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives will be granted. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Council will consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. It will be for the Council to show that the grant of the application would undermine the promotion of one of the licensing objectives and if it would, that necessary conditions would be ineffective in preventing the problems involved.

17.5 In considering such applications the Committee will have particular regard to:

- The occupancy figure for the proposed premises.
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises.
- Whether the proposed premises will act as a replacement for others in the Area that no longer have a licence.
- The proposed methods of management outlined in the applicant's operational plan.
- The proposed hours of operation.
- Transport provision for the Area.

17.6 Special saturation policies will never be used as a ground for revoking an existing licence or certificate when relevant representations are received about problems at those premises. Nor will they be used to justify rejecting applications to vary an existing licence or certificate except where those modifications directly affect the issue of cumulative impact (as would be the case with an application to vary a licence with a view to increasing the

capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.

**17.7** A special saturation policy will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. This is because quotas have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

**17.8** A special saturation policy will not include provisions for a terminal hour in a particular area.

**17.9** Special saturation policies will be reviewed regularly (and at least every three years) to assess whether they are needed any longer or need expanding.

**17.10** A special policy will not be used to revoke an existing licence should a request for a review be received.

## Special licensing policy

**17.11** Analysis by the Police indicates that the areas in Trafford subject to the greatest volume of violent crime are the town centres of Altrincham and Sale.

**17.12** Offences in these areas have been shown to most likely occur during the late evenings of Thursday, Friday, Saturday and Sunday. The major contributory factor to these offences has been the growth of the night-time economies and the rise of binge drinking.

**17.13** The greater concentration of licensed premises within the town centre has resulted in large numbers of patrons attracted into Altrincham and Sale. The physical infrastructure of both towns, with narrow streets and a lack of open space has created an environment which has struggled to manage with the demands of the night-time economy. The lack of an integrated transport infrastructure in the late evening periods has also created difficulties in



moving patrons away at the end of the night. Analysis shows both these factors to be key drivers behind the rise in violent crime.

**17.14** The Crime and Disorder Partnership Board have identified violent crime as a Borough wide priority. It outlined Altrincham town centre, Sale town centre and the Trafford Centre as hot spot areas. Crime and disorder in the night-time economy in Altrincham has been highlighted as the number one priority of the Altrincham Crime and Disorder Partnership.

**17.15** The cost implication of these problems to the Police, ambulance service, local authority and business community are significant. Whilst it will always be the duty of the local authority in partnership with the Police to take the necessary steps to tackle individual problem premises, the designation of both Altrincham and Sale town centres as areas of cumulative impact will allow for the strategic management of the late night economy to reduce crime and disorder and promote public safety.

**17.16** The Council has, therefore, adopted a special policy relating to cumulative impact with respect to both Altrincham and Sale town centres. This policy presumes that applications for new premises or club premises certificates or material variations of premises lying within the designated areas shown at Appendices 6 and 7 will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

## 18.0 Late Night Levy

**18.1** The Police Reform and Social Responsibility Act 2011 introduced the power for the Licensing Authority to charge a late night levy (“the levy”) to all premises within its licensing area.

**18.2** The late night levy is a discretionary power allowing the Council to collect an annual fee from all licensed premises in the area that are authorised to sell alcohol between the hours of midnight and 6.00am as a means of raising a contribution towards the costs of policing the night time economy.

**18.3** As the powers are discretionary the Council, in its capacity as the Licensing Authority, must decide whether to introduce them; and in accordance with the 2011 Act in making that decision the Council must consider the cost of policing and other arrangements for reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6.00 am; and having regard to those costs, is there a desire to raise revenue to cover those costs.

**18.4** In considering whether there is a ‘desire’ to introduce the late night levy, the Licensing Authority must take into account the views of Greater Manchester Police, the licence holders that will be affected by the levy and the residents of the borough.

**18.5** The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Greater Manchester Police.

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

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

## 19.0 Early Morning Alcohol Restriction Order (EMRO)

19.1 The power to make, vary or revoke an Early Morning Alcohol Restriction Order (EMRO) is set out in section 172A to 172E of the Licensing Act 2003.

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

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

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

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

19.6 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing an EMRO. Should this change during the life of this policy then the designated procedure would be applied to determine if an EMRO is appropriate.

## 20.0 Personal Licences

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

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

20.3 Provided an applicant has a qualification determined by the Home Office and does not have certain criminal convictions the Council must grant the licence.

20.4 Applicants for personal licences are required to submit their application in accordance with the Licensing Act 2003 (personal licence) Regulations 2005, which requires that they submit two (passport style) photographs, one of which must be endorsed by a solicitor, notary, person of standing in the community or any other professional person, with a statement to verify the likeness to the applicant. A statement of criminal convictions and a basic disclosure certificate (or similar) which does not exceed 30 days since issue must also be submitted along with the original copy of the Level 2 certificate for personal licence holders.

20.5 Where an applicant has a relevant conviction the Police may oppose the application. If an objection is lodged by the Police, a hearing of the Council's Licensing (Sub) Committee will be held. The Committee will consider carefully whether the grant of the licence is likely to compromise the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.

20.6 The Council will normally refuse applications where there are recent "relevant offences" and will only grant the application if it is satisfied that there are exceptional and compelling reasons for doing so. If the Police do not

issue an objection notice and the application otherwise meets the requirements of the Act the Council must grant the licence.

**20.7** Where a Personal Licence holder is convicted by a court for a relevant offence, the Court will advise the Council accordingly. On receipt of such a notification, the Council will notify the Police and if they consider the continuance of the licence will prejudice crime and disorder objectives, they may issue an objection notice. In these circumstances, a hearing before the Licensing Committee will be held.

**20.8** In order for the sale of alcohol to take place, the Council would normally expect the premises licence holder to ensure that there are a sufficient number of personal licence holders at the premises when alcohol is being supplied or retailed. If a personal licence holder is not on the premises for any reason, the Council would expect provisions to be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.

**20.9** The Council will require one of the personal licence holders to be a Designated Premises Supervisor. The main purpose being to ensure that there is always one specified individual who can be readily identified at the premises in cases of emergency. Thus, it will be clear who is in charge of the day-to-day running of the business.

**20.10** Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Council will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.

**20.11** Personal licence holders must notify the licensing authority, as soon as practicably possible of any change of address and/or any relevant or foreign conviction.

**20.12** When authorising members of staff to sell alcohol on their behalf, whilst not a legal requirement, personal licence holders are advised that it may be considered good practice to issue such authorisation in writing and to keep a record of both the authorisation and any training that has been provided.

20.13 Following deregulation, the ten-year validity period for a personal licence has now been repealed. Currently, a personal licence is valid indefinitely or until such a time as it is surrendered by the licence holder or suspended / revoked by a Magistrates' Court. Any person who currently holds a personal licence which displays an expiry date are advised to disregard this date. There is no need to return the licence to the licensing authority for the date to be removed.

## 21.0 Policy Consultation

21.1 In developing this policy the Council has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted have included those specified in section 5(3) and in paragraph 29 of Part 4 of Schedule 8 to the Act: -

- the chief officer of police;
- the fire authority;
- representatives of holders of existing licences;
- representatives of existing registered clubs;
- representatives of the local licensing trade;
- representatives of local businesses;
- representatives of local residents.

21.2 A full list of all those who were consulted in the development of this policy are listed in Appendix G.

## 22.0 Monitoring and Review of Licensing Policy

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

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

- Statistics of the several forms of licences;
- A breakdown of the number of licences determined by committee and under delegated powers;
- A breakdown of the outcome of any appeals;
- A breakdown of licences by reference to their terminal hour;
- An outline of enforcement activity undertaken;
- The outcome of any prosecutions;
- Details of any premises closed temporarily;
- Proposals to amend the licensing policy in the light of experience;
- Proposals to amend licensing practice in the light of experience;
- Any comments of the Licensing Forum.

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

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

22.4 The special licensing policy on cumulative impact for Altrincham and Sale will be reviewed at an interval of 3 years.



## 23.0 Temporary Event Notices (TEN's)

**23.1** Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. Nevertheless, depending on the nature and location of such events, these can have serious crime and disorder and noise implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Council to work with them to identify and reduce the risk of crime and disorder and noise nuisance.

**23.2** The Council recommends that at least 28 days notice be given to hold such events, to allow it to help organisers to plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.

**23.3** There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

**23.4** The most important aspects of the system of temporary event notices are that no permission is required for these events from the Council. In general, only the Police and Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only ever intervene itself if the limits on the number of notices that may be given in various circumstances, as outlined in the Act, would be exceeded.

**23.5** Many of those who give temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, those acting on behalf of charities, community and voluntary groups, schools, churches and hospitals all of which may stage public events to raise funds at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.

23.6 In the event of a relevant representation from the Police and/or Environmental Health to a standard TEN the Council will hold a hearing not less than 24 hours before the event is due to take place. There is no right of hearing if an objection is lodged against a late TEN.

## 24.0 Larger Events

**24.1** For licensable events where the capacity exceeds 499 a premises licence will need to be applied for. A premises licence can be time limited so that it is only in effect for the duration of the event.

**24.2** Open air events may range from relatively small local events, like fairs, which may last for four or five days, to major pop festivals lasting one or more days. Despite the temporary duration of such major events, they can attract huge crowds of more than 100,000 people and the risks to public safety and to crime and disorder as well as public nuisance may be considerable. A temporary event likely to attract more than 499 people will require an application for a premises licence and will not be covered by the Temporary Event Notice provisions.

**24.3** It is recommended that the applicant make an initial approach to the local authority at least 6-9 months prior to the proposed event. This will allow the Council and the Emergency Services sufficient time to assist the organisers to plan their events safely. Many events will give rise to special considerations in respect of public safety and public nuisance. Operating schedules should therefore reflect an awareness of these matters. It is recommended that an application be made at least 3 months prior to the event in accordance with the recommendations of the guidance issued by the Core Cities Group. It is the responsibility of the organisers/promoters to satisfy the Council that they have met the standards outlined in the following relevant documents:

- The Event Safety Guide - A guide to health and safety and welfare at music and similar events ("The Purple Book") available at <http://www.thepurpleguide.co.uk>
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 300095 2
- Outdoor Events Model Application Form Document - District Surveyors Association in conjunction with the Core Cities Group. 2002

24.4 Applications for large events will be scrutinised by the Safety Advisory Group (SAG) as well as the Licensing Authority. The SAG will consist of officers from Responsible Authorities such as the Police, Pollution Control, Food Safety, Fire Authority, and may include officers from other relevant departments and agencies such as the North West Ambulance Service, Transport for Greater Manchester, Highways (Amey) and Emergency Planning.

24.5 The SAG allows officers to question applicants about the operation of their event to ensure it will be a “safe” event and will minimise disruption to traffic management and nuisance. The SAG will not determine licence applications but may recommend conditions be attached to a licence. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory event management plan for their event and to comply with any recommendations made by the group.

24.6 Applicants may notify the SAG of an event or a proposed event that maybe organised in the future by emailing:

[EnvironmentalHealth@trafford.gov.uk](mailto:EnvironmentalHealth@trafford.gov.uk)

24.7 For smaller events that do not require a full SAG meeting. The Council encourages the use of Multi-Agency Meetings. Please contact the Licensing Officer who can direct you on which route would be most suitable for your application.

24.8 A representative of the Licensing Authority will be present at all SAG, Multi-Agency or Sports Ground Safety Meetings to help promote safe events in the Borough and direct partner agencies on the objectives of the Act, this statement of licensing policy and other published guidance or relevant legislation concerning licensed premises.

## 25.0 Enforcement

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

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

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

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

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

**25.5** The Council intends to establish enforcement protocols with Greater Manchester Police on enforcement issues to provide for efficient deployment of local authority staff and police officers who may be engaged in enforcing licensing law and the inspection of licensed premises. This joint partnership

approach is intended to prevent duplication of effort, maximise the potential for controlling crime and disorder at premises and to ensure compliance when relevant conditions are appropriate.

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

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

- The nature of the event eg. certain types of charitable event
- The impact/likely impact of the event eg. complaints of nuisance/disorder
- The safety measures in place to deal with any possible risks

## 26.0 Reviews

**26.1** At any stage, following the grant of a premises licence, a Responsible Authority or any other person, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

**26.2** A licence will be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Evasion of copyright in respect of pirated or unlicensed films and music;
- Underage purchase and consumption of alcohol;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Serious risks to children;
- Use of licensed premises for unlawful gaming and gambling;
- Use of licensed premises as a base for organised criminal activity;
- Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- Use of licensed premises for the sale of illicit tobacco, alcohol or goods;
- The use of licensed premises for the sale of stolen goods;
- Incidents of disorder;
- Instances of public nuisance where warnings have been disregarded;
- Serious risks to public safety which the management is unable or unwilling to correct;
- Frequently operating outside permitted hours or repeatedly breaching conditions (particularly those which have been attached by a licensing panel as a result of previous review hearing).

**26.3** In instances where a review meets the criteria of being particularly serious, the licensing panel will consider the strongest most appropriate action, including revocation in the first instance.

26.4 At a review hearing the committee can make the following decisions:

- Modify the conditions of the premises licence;
- Exclude a licensable activity from the scope of the licence;
- Remove the designated premises supervisor;
- Suspend the licence for up to three months;
- Revoke the licence;
- Take no action at all.

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

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

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



## 27.0 Appeals

27.1 Where an applicant is aggrieved by any decision or condition, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified in writing to confirm the decision. The 21 days is calculated from the date of the letter. The appeal application must be made to the Justices' Chief Executive of the Magistrates' Court.

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

On determining an appeal, the court may:

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

27.4 In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 177.

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

## 28.0 Nudity and Adult Entertainment

**28.1** Whilst applicants are at liberty to make an application in respect of any type of licensable activity, including any form of regulated entertainment, there are certain types of entertainment where greater consideration and stronger controls may be appropriate. Such activities would certainly include any form of nudity and/or adult entertainment.

**28.2** There is provision within the application form under section 'N' to highlight 'any adult entertainment or services or other entertainment ancillary to the use of the premises that may give rise to concern in respect of children'. If confirmed in this box that no such entertainment is to take place, this will be entered as a condition on any licence issued. If no answer is given in box 'N' the situation is not as clear, this Authority has considered this matter and intends to treat such applications as below.

**28.3** It is essential that such activity although not automatically precluded should, if offered be adequately controlled. Therefore, for the avoidance of doubt and to avoid any circumventing of the law in this respect, when no answer is given in box 'N' in respect of applications that include regulated entertainment of any description, the sale of alcohol for consumption on the premises and/or late night refreshment, this will be treated as if there is to be no such activity and there will be a condition placed on the licence that no such activity or entertainment will be permitted.

**28.4** If a 'yes' answer is given in box 'N' the applicant will be expected to outline specifically the nature of the regulated entertainment and to address all potential issues in the operating schedule as well as proposing measures relevant to each of the licensing objectives in order to control the effects of the activity on all objectives but with particular regard to the protection of children from harm. Any licence issued will permit only those activities that have been specifically addressed in the application.

**28.5** This authority has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (LG (MP) 82) for the licensing of sex establishments including sexual entertainment venues (SEV's). A consequence of this is that 'regulated entertainment' under the Licensing Act

2003 will no longer include sexual entertainment as defined under the terms of (LG (MP) 82) and if such activities are to be offered a separate SEV licence will be required.

## 29.0 Authorisation

29.1 The Designated Premises Supervisor in a premises that is concerned with the sale of alcohol whether in respect of 'off' sales or 'on' sales carries direct responsibility for all sales at any time within the licensed premises.

29.2 There is currently no requirement (unless a specific condition on the premises licence, following a licensing sub-committee hearing or voluntary proposal in the operating schedule of the application) that the Designated Premises Supervisor or any other Personal Licence holder should be present at all or at any particular times. In the event of the absence of such authorised person(s) regardless of the length of absence, it is a requirement that authorisation must be passed down to those who sell alcohol at or from the premises. For the purpose of proof that such authorisation has been given and equally in order to show due diligence should such cause arise, it is strongly recommended that such authorisation should not be verbal, but given in writing to each person so authorised and that if required this should be available to be produced to any authorised officer upon request.

29.3 In respect of a private members' club, where alcohol is supplied by or to the order of a member, there is no Designated Premises Supervisor or Personal Licence holder, however, any supply of alcohol by non-members or minors should be specifically authorised and again it is strongly recommended that such authorisation should be given in writing where appropriate.

## 30.0 Non-Standard Hours

30.1 Since the implementation of the Licensing Act there have been many applications where it appears that the applicant requests a specified number of events where no dates or times are given e.g. 'on 12 occasions per year' or 'on one weekend per month' etc. Such events are not measurable and provide difficulty in assessing their impact upon the licensing objectives and hence in ascertaining what if any conditions are relevant.

30.2 For the above reason applicants are advised that additional days should be clearly identified with dates and/or times which will allow proper consideration of their impact on the licensing objectives and permit their inclusion specifically on any licence issued.

30.3 Although every application will be treated on its own merits, it will not be normal practice to accept applications with such ambiguous specifications. There exists a system of Temporary Event Notices to allow for the conduct of any unusual, 'one off' or unforeseen events.

## 31.0 Smoking - Health Act 2006

**31.1** From 01 July 2007 it is illegal to smoke in virtually all enclosed public places and workplaces in England. The ban includes offices, factories, shops, pubs, clubs, bars, restaurants and public transport.

**31.2** Businesses are required as from 1 July 2007 to display signs at entrances to premises. The signs are available from the department of health at [www.smokefreeengland.co.uk/stayinformed](http://www.smokefreeengland.co.uk/stayinformed) or by calling 0800 169 1697.

**31.3** A likely impact of the public places smoking restriction under the Health Act 2006 is that customers wishing to smoke may be attracted to premises that have 'beer gardens' or designated outside areas. There is likely therefore, to be more drinking outside of licensed premises. Although smoking is not a licensable activity, it may clearly at times be associated with a licensable activity i.e. sale of alcohol and may be viewed as an area which requires consideration of possible control measures in the interests of avoidance of public nuisance.

**31.4** There may be occasions where licensees are required (following representation or application for review) to control areas/hours for such activity and/or have conditions imposed upon their licence if this is deemed proportionate and appropriate in meeting one or more of the licensing objectives and in particular that of the prevention of public nuisance.

## 32.0 Licensing Hours

**32.1** The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement.

**32.2** The Council recognises the role that greater flexibility over licensing hours has played in the development of thriving and safe evening and night-time local economies, which are important for investment and employment locally and attractive to domestic and international tourists, providing customers with greater choice and flexibility.

**32.3** Licensing Authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. This licensing authority will not impose predetermined licensed opening hours. However, the Council is aware of problems within the borough which are attributed to the availability of alcohol both early in the morning and late at night. Applicants wishing to provide alcohol before 10am and after 10pm, regardless of where the premises is located in the borough, are expected to detail in their operating schedule how the early or late operation of their business will promote the licensing objectives. The licensing authority will give individual consideration to the merits of each application.

**32.4** This policy stresses the importance of compliance with measures detailed as conditions of a Premises Licence when the licence authorises hours before 10AM and after 10PM. Should a premises have a pattern of non-compliance with these measures or a pattern of other incidents then, on review, members of the sub-committee are encouraged to consider restricting the Premises Licence to the hours of 10:00hrs-22:00hrs.

**32.5** We acknowledge that the guidance issued under Section 182 of the Licensing Act 2003 states that Shops, stores and Supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

**32.6** This Licensing authority would define a “good reason” as an evidentially based representation from a responsible authority or other person which details problems in a particular area which are contrary to the promotion of the licensing objectives. In addition, evidence of street drinking, alcohol related antisocial behaviour, public nuisance and alcohol abuse will also be viewed as a “good reason” to depart from the guidance issued under section 182.

**32.7** The Council is aware of the increased risk of antisocial behaviour and public nuisance in areas close to public transport links (such as metrolink stations, train stations, bus interchange or bus stops). Applicants will be expected to address this risk in their operating schedule, particularly if the proposal is to sell alcohol for consumption off the premises before 10am or after 10pm, or if the application is to licence a takeaway for late night refreshment.

**32.8** Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

**32.9** Restrictions might be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. Opening hours beyond midnight may be more likely to attract relevant representations and if the Council’s discretion is engaged it is possible conditions relating to opening hours may be imposed.

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

- Whether the premises is located in a predominantly commercial area
- The nature of the proposed activities to be provided at the premises



- Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
- Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents
- Whether the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance
- Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
- Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it
- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a responsible authority or interested party that identify the premises as a focus for disorder and disturbance.

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

public living, working or otherwise engaged in normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of “prevention of public nuisance”.

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

**32.13** 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. A Public Spaces Protection Order applies to the whole borough of Trafford; consideration should be given to measures which promote this crime reduction initiative. For example, alcohol to only being made available for sale alongside a food delivery or pre-ordered collection, and not readily available for consumption immediately outside or on a nearby street, bus stop or park bench.

**32.14** 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.

## 33.0 Administration, Exercise and Delegation of Functions

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

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

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

33.4 Whilst contested licensing applications are quasi-judicial in nature the (Sub) Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing and are able to express their views openly and fairly.

33.5 The (Sub) Committee will determine each case before it on its individual merits whilst taking into consideration the terms of this Policy document.

33.6 In determining the application the Licensing Committee or Sub-Committee, will consider:

- (a) The case and evidence presented by all parties;
- (b) The promotion of the four licensing objectives;
- (c) Guidance issued by central Government;
- (d) The Council's own Statement of Licensing Policy.

**33.7** Where the (Sub) Committee determines that it is appropriate to attach conditions to a licence/certificate it will ensure that those conditions are directed towards preventing or minimising the impact of the activities taking place at the premises concerned on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

**33.11** All licence applications will be determined in accordance with the following table:

| Matter to be dealt with   | Full Council | Licensing Panel              | Officer                         |
|---|--------------|------------------------------|---------------------------------|
| Review of Statement of Licensing Policy, receipt of annual report and other relevant reports. | In all Cases |                              |                                 |
| Application for a personal licence  |              | If a representation is made. | If no representations are made. |
| Application for a premises licence or a club premises certificate                             |              | If a representation is made. | If no representations are made. |
| Application to vary an existing premises licence or club premises certificate                 |              | If a representation is made. | If no representations are made. |
| Application for minor variation of a premises   |              |                              | In all cases.                   |

|                                      |  |  |  |
|--------------------------------------|--|--|--|
| licence or club premises certificate |  |  |  |
|--------------------------------------|--|--|--|

|  |  |                 |
|--|--|-----------------|
| Application to vary the designated premises supervisor (DPS)   | If a Police representation is received | All other cases |
| Requests to be removed as DPS  |  | All cases       |
| Application for transfer of a personal licence   | If a Police representation             | All other cases |
| Application for interim authorities  | If a Police representation             | All other cases |
| Applications to review premises licences and club premises certificates  | All cases                              |                 |
| Decisions on whether a complaint is irrelevant, frivolous or vexatious etc.  |  | All cases       |
| Determination of a Police representation to a Temporary Event Notice   | All Cases                              |                 |
| All applications will be considered in accordance with any statutory framework. Applications will only be accepted if they contain all required information and have been correctly made. Any application that falls short of the requirements will be returned to the applicant for correction or addition. |  |                 |

## 34.0 The Role of Ward Councillors

34.1 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations in their own right. For example, ward councillors may apply for a review of a licence if problems at a specific premises which justify intervention are brought to their attention.

34.2 Ward councillors are informed of all new applications and any application to vary a licence in their ward. Individual councillors may choose to consult with residents locally in addition to the statutory publication carried out by the applicant.

34.3 Local residents and businesses may wish to contact their local ward councillors in respect of a licence application. Details on how to contact ward councillors may be obtained from the Council's website or by contacting the Licensing Officer.

34.4 If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.

34.5 Ward councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if:

- They have made a personal representation; or
- They have made a representation on behalf of local residents or businesses as 'community advocates'; or
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented by them at the hearing.

## 35.0 Application Consultation

**35.1** The aim of consultation is to provide the opportunity for other persons to be involved in the licensing process. The consultation procedure required for each type of application is prescribed within the Act and Regulations made thereunder.

**35.2** Applicants are required to advertise an application for the grant or variation of a Premises Licence or Club Premises Certificate and for an application for a Provisional Statement. For such applications the consultation required is: -

- Copies of the application must be received by the Responsible Authorities on the same day as the original application is received by the Local Authority.
- A blue coloured notice(s) must be displayed at the premises for the full 28 day consultation period. It must be clearly visible 24hrs a day and legible to passers-by. The notice must give a brief outline of the application including the regulated activities and the hours applied for.
- An advertisement must be placed in a local borough wide publication, within 10 working days of the application being received by the Licensing Authority. It is the responsibility of the applicant to forward evidence of the newspaper notice, its wording and its date of publication to the Licensing Authority.
- For 'minor' variations, there is no requirement for the applicant to send copies to the responsible authorities or for a newspaper notice and the premises notice need only be made on white paper and be displayed for 10 days, The Licensing Authority will advise the appropriate responsible authorities of the application.

**35.3** Applications for review of Premises Licence or Club Premises Certificate will be advertised by the Licensing Authority in accordance with Regulations. For ordinary review applications this will take the form of notices being displayed near to the premises for 28 days, and for 'summary' reviews notices being displayed for 7 working days.

35.4 The Licensing Authority will make copies of applications available for inspection by the public.



## 36.0 Provisional Statements

36.1 Applicants may need to apply for a Provisional Statement where premises are being constructed, extended or substantially changed structurally for the purpose of licensable activities.

36.2 This Licensing Authority's Policy in relation to Provisional Statements is identical to that for Premises Licences. Before premises with a Provisional Statement may be used for licensable activities an application must be made and granted for a Premises Licence or Club Premises Certificate.

36.3 If representations are received in respect of an application for a Provisional Statement, conditions may be imposed on the Provisional Statement in the same manner as if it was a Premises Licence or the application may be refused by the Licensing Authority.

## 37.0 Film Classification

**37.1** The admission of children to any film exhibition shall be restricted in accordance with the classification given to that film by the British Board of Film Classification (or the Licensing Authority). No person under the age of 18 shall be admitted to any film that has not been classified by the British Board of Film Classification (or the Licensing Authority).

**37.2** The Licensing Authority agrees with the recommendation of the Secretary of State that Licensing Authorities should not ordinarily duplicate the role of the British Board of Film Classification by choosing to re-classify films themselves. The classification recommended by the British Board of Film Classification for any film will be applied by this Licensing Authority unless there are exceptional reasons for this Licensing Authority to adopt the role of film classifier and classify or re-classify any particular film. The decision as to whether to classify or re-classify any particular film will be at the absolute discretion of this Licensing Authority.

**37.3** If the Licensing Authority is concerned about the classification given by the British Board of Film Classification to a particular film, it may give notice to the holders of premises licences that the film may not be exhibited until it has been viewed and classified by the Licensing Authority. In such circumstances the Licensing Authority will view and classify the film as a matter of urgency.

**37.4** Licence conditions may specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

**37.5** Where any video works are shown on premises with a licence (e.g. in pubs) they should be suitable for the age group of those persons present,

having regard to the official age classification of the work given by the British Board of Film Classification.

## 38.0 Suspension of Licences and Certificates for Non-Payment of Annual Fees

**38.1** As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend Premises Licences and Club Premises Certificates if the holder of the relevant authorisation fails to pay their annual fee.

**38.2** However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.

**38.3** When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.

**38.4** A premises licence or certificate that has been suspended does not have effect. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.

**38.5** Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

## 39.0 Immigration Act 2016

39.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

39.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

39.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

**39.4** The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

**39.5** The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Greater Manchester Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late night refreshment.

## 40.0 Other References & Guidance

40.1 Applicants are advised, prior to making an application, to have regard to the following documents (as appropriate to their premises and the activities that will be provided): -

- The current guidance provided on the Home Office, including the amended Guidance issued under Section 182 of the Licensing Act 2003
- Technical Standards for Places of Entertainment - available from the Licensing Team.
- Home Office: Safer Clubbing Guide
- LACORS/TSI Code of Practice on Test Purchasing
- Guidance issued by the Security Industry Authority in connection with door supervisors etc.
- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events' - HSG195
- Managing Crowds Safely HSE 2000 ISBN 07176-1834-X
- '5 Steps to Risk Assessment: Case Studies' HSE 1998 ISBN 0-7176-15804
- 'The Guide to Safety at Sports Grounds' SGSA ("The Green Guide")
- 'Safety Guidance for Street Arts, Carnivals, Processions and Large-Scale Outdoor Performances' Independent Street Arts Network (ISAN) available from:  
<http://www.streetartsnetwork.org.uk/pages/publications.htm>
- The Guidance issued by the Department of Communities and Local Government under the Regulatory Reform (Fire Safety) Order 2005. Website: [www.communities.gov.uk](http://www.communities.gov.uk)
- The Purple Guide to Health, Safety and Welfare at Music and Other Events ("The Purple Guide") <https://www.thepurpleguide.co.uk/>
- Trafford Strategic Safeguarding Partnership: Safeguarding and Safety Handbook, for Licensed Premises and Licensed Hackney Carriage and Private Hire Drivers.

## 41.0 Pre-Application Consultation Service

41.1 We offer a pre-application consultation service to support your licensing application made under the Licensing Act 2003. The aim is to help you to anticipate and fix any problems which may arise during the application process.

41.2 However, our advice cannot pre-judge the outcome of the licensing application, especially if representations are received and a hearing is scheduled to take place before a Licensing Sub-Committee.

The pre-application service will highlight common pitfalls and assist business owners through the licensing consultation process, in turn promoting a successful and thriving borough, creating pride in our local area; which forms part of the seven corporate priorities for Trafford Council.

41.3 Our pre-application consultation service offers:

- Advice and assistance with completing application forms;
- Advice on appropriate conditions taking into account the type and style of the operation intended at the premises, its location and in consultation with the Council's Senior Licensing Officer;
- Advice on drawing up plans to accompany the application in accordance with the relevant regulations;
- Advice on nominating an appropriate Designated Premises Supervisor;
- Assistance with completing the statutory notices and advertisements
- On-site visits are available to ensure plans are compliant with regulations and the appropriate statutory notices are correctly on display;
- Advice on matters you may need to consider to assess possible noise transmission to neighbouring properties, dependent on the type of operation proposed for the premises;
- Advice on measures to promote the licensing objective of prevention of crime and disorder;
- Advice on age verification measures and protecting children from harm on licensed premises.



41.4 Our current charges for this service are based on the application type. These fees may be subject to change as part of the Council's annual fees and charges review.

| Licensing Application | Consultation Service   | Price                      |
|-----------------------|--|----------------------------|
| Small                 | Up to 3 hours of officer time. For advice on the licensing process, guidance on plans, public notices and newspaper advertisements, licence conditions, completion of operating schedule and advice on the Live Music Act deregulation. Includes a face-to-face meeting at Trafford Town Hall but does not include any site visits.                | £157.50<br>(includes VAT)  |
| Medium                | For advice where site visit is essential. Up to 6 hours of officer time. Includes meeting and site visit by the Senior Licensing Officer. For advice on the licensing process, guidance on plans, public notices and newspaper advertisements, licence conditions, completion of operating schedule and advice on the Live Music Act deregulation. | £394.50<br>(includes VAT)  |
| Large                 | For applications which need considerable officer time of up to 15 hours. Includes multiple site visits and liaison with the Senior Licensing Officer, Environmental Health and Trading Standards, for events which would generally need to also go through the Safety Advisory Group process.  | £1342.50<br>(includes VAT) |

41.5 The pre-application consultation service is tailored business advice provided other than under an existing Primary Authority Partnership. The fee for additional hours required for medium and large applications standard is at the rate of £79 per additional hour, which has been calculated and agreed across the Association of Greater Manchester Authorities (AGMA).

## Disclaimer

41.6 With regard to any pre-application consultation, the written confirmation will state that pre-application consultation advice will not give applicants any exemptions from the licensing process. Responsible Authorities, including the Licensing Authority, Public Protection, Health & Safety, Trading Standards,

may still make a representation against the application and the case may still need to be heard at Licensing Sub-Committee for a decision to be made.

**41.7** The advice given will not include views from other responsible authorities such as the Police, Fire Authority, etc. Determining any application that is subject to representations will be the function of the Licensing Sub-Committee who will consider the application and the representations on its own merits and determine the application accordingly on the basis of whether it promotes the licensing objectives.

**41.8** The impartiality of the licensing officer will be maintained throughout the consultation process, when processing any subsequent application and where an application goes before the licensing sub-committee. Where possible, a different licensing officer will provide the pre-application advice to that of the officer who processes the subsequent application. Any applications where representations are made will be determined by the licensing sub-committee. The licensing officer's role at the sub-committee is limited to providing advice on policy and national guidance.

**41.9** The pre-application consultation service is provided by experienced officers of the Licensing Authority. It is not provided by solicitor and therefore does not constitute legal advice.

## **Make a request for pre-application advice**

**41.10** Once we receive your request we will contact you to take payment over the phone by debit or credit card and arrange a date and time for the pre-application meeting to be scheduled within five working days.

**41.11** Email a request for advice to [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk) please provide your contact information and a brief overview of the type of premises that needs to be licensed such as off licence, restaurant, bar, club, public house, indoor arena, sports stadium, outdoor music festival.

## 42.0 Contact Details

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

Licensing Team

Trafford Council

Trafford Town Hall

Talbot Road

Stretford

M32 0TH

Telephone: 0161 912 4047

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

Website: [www.trafford.gov.uk](http://www.trafford.gov.uk)

42.2 The Responsible Authorities detailed in this policy will also be willing to give advice and guidance to applicants. Their contact details are listed in Appendix F.

## 43.0 Late Night Refreshment – Local Powers to Deregulate

43.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late-night refreshment.

43.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.

43.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).

43.4 The licensing authority does **not** currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.

43.5 If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and the impact on the locality.

## 44.0 Outside Space

**44.1** Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

**44.2** In such cases it will not be necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

**44.3** If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

## Tables and chairs on the public highway

**44.4** Licensed premises that wish to use a portion of a public street, road or place for the for the placing of tables, chairs or other temporary furniture outside a restaurant or cafe for patrons to use may only do so under permission of a Street Cafe licence issued by the Council as Highway Authority. Applicants should be aware that approval is not automatic and no tables or chairs should be placed on the highway until formal approval has been obtained. Street Cafe licences are subject to their own specific restrictions, including limitations on the hours during which they may be used and the number of tables and chairs that may be provided.

44.5 Applicants are expected to have specific regard to the impact upon the Licensing Objectives that the operation of any areas on the public highway that are licensed for tables and chairs might have.

44.6 Applicants should note that the grant of a premises licence to include part of the highway does not in itself grant permission to use that part of the highway and similarly a licence from the highway authority does not grant permission to undertake any other licensable activity.

## Appendix A: Current Mandatory Conditions

| Mandatory Condition   | Applicable to  |
|---|--|
| <p>No supply of alcohol may be made under the premises licence –</p> <p>(a) at a time where there is no designated premises supervisor in respect of the premises licence, or</p> <p>(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.</p> <p>Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence</p>   | <p>Any premises licence or which authorises the sale of alcohol.</p>   |
| <p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p> | <p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p> |

|  |  |
|--|--|
| <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;</p> |  |
|--|--|

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| <p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).</p>  |  |
| <p>The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.</p>  | <p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p> |
| <p>(i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p> <p>(ii) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.</p> <p>(iii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—</p> <p>(a) a holographic mark, or (b) an ultraviolet feature.</p> | <p>Any premises licence or club premises certificate which authorises the sale of alcohol.</p>                                 |
| <p>The responsible person must ensure that—</p> <p>(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than</p>  | <p>Any premises licence or club premises certificate which authorises the sale of alcohol</p>                                  |



|   |  |
|---|--|
| <p>alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—</p> <p>(i) beer or cider: 1/2 pint;<br/> (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml;</p> <p>(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and</p> <p>(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.</p> | <p>for consumption on the premises.</p>  |
| <p>(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>(2). For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor</p>   | <p>Any premises licence or club premises certificate which authorises the sale of alcohol.</p> |

|   |  |
|---|--|
| <p>Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula—<br/> <math>P = D + (D \times V)</math></p> <p>where—</p> <p>(i) P is the permitted price,<br/> (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and<br/> (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—</p> |  |
|---|--|

|  |   |
|--|---|
| <p>(i) the holder of the premises licence,<br/> (ii) the designated premises supervisor (if any) in respect of such a licence, or<br/> (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;</p> <p>(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent</p> <p>the supply in question; and</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.</p> <p>(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.</p> <p>(4) (i) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.</p> <p>(ii) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.</p> |   |
| <p>(1) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.</p>   | <p>Club premises certificates which authorise sale of alcohol for consumption</p> |

|   |                          |
|---|--------------------------|
| <p>(2) Any alcohol supplied for consumption off the premises must be in a sealed container.</p> <p>(3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.</p> | <p>off the premises.</p> |
|---|--------------------------|

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|--|--|
| <p>Exhibition of Films</p> <p>Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence</p> <p>Or</p> <p>where the licensing authority has notified the holder of the licence that it considers a classification, or an alternative classification is necessary then admission of children must be restricted in accordance with any recommendation made by that licensing authority</p> <p>In this section-</p> <p>"children" means persons aged under 18; and</p> <p>"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).</p> | <p>Any premises licence or club premises certificate which authorises the exhibition of films.</p>                           |
| <p>Door Supervisors</p> <p>Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.</p>   | <p>Any premises licence or club premises certificate which includes a condition relating to door supervisors / security.</p> |

## Appendix B:

### Local Authorities Bordering the Trafford Area:

#### **Cheshire East Council**

Macclesfield Town Hall  
Town Hall  
Macclesfield  
SK10 1DP  
Tel: 01625 504250  
Email: [licensing@cheshireeast.gov.uk](mailto:licensing@cheshireeast.gov.uk)

#### **Manchester City Council**

The Licensing Unit  
Room 1012 (Level 1)  
Town Hall Extension  
Manchester  
M60 2LA  
Tel: 0161 234 4917/4921  
Email: [premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)

#### **Salford City Council**

Licensing Section  
Civic Centre  
Chorley Road  
Swinton  
Salford  
M27 5DA  
Tel: 0161 793 3114/3115  
Email: [licensing@salford.gov.uk](mailto:licensing@salford.gov.uk)

#### **Stockport Borough Council**

Environmental Health Section (Public Health Team)  
Stopford House  
Piccadilly  
Stockport  
SK1 3XE  
Tel: None

Email: [licensing@stockport.gov.uk](mailto:licensing@stockport.gov.uk)

**Warrington Borough Council**  
Chief Executive's Department  
West Annexe  
Town Hall  
Warrington  
WA1 1UH  
Email: [cexlicensing@warrington.gov.uk](mailto:cexlicensing@warrington.gov.uk)

## Appendix C:

# Licensing Act 2003 Model Conditions

## Counter Terrorism

1. At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises and all on-duty managers must have completed ACT: Awareness training. In addition, a minimum of 1 on-duty manager must also have completed the ACT: Operational or ACT: Strategic training.
2. The Designated Premises Supervisor must complete the ACT: Awareness training and ACT: Operational or ACT: Strategic training course within 28 days of the grant or variation of the licence. Should the Designated Premises Supervisor named on the licence change, the new Designated Premises Supervisor must complete those courses within 28 days of being named on the licence.
3. Within 28 days of the grant or variation of the licence, a documented security vulnerability assessment, which must incorporate counter terrorism measures, must be undertaken for the premises to include all areas in which licensable activities takes place and which the public will have access and/or transit through. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
4. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security vulnerability assessment and take promptly such steps to eliminate

them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of Manchester City Council.

5. Within 28 days of the grant or variation of the licence, the premises must have a documented counter-terrorism plan, which sets out counter measures to be implemented in response to a terrorist attack, through the principles of 'Guide', Shelter' and 'Communicate'-
  - **Guide** - Direct people towards the most appropriate location (in vacuation, evacuation, hide)
  - **Shelter** - Understand how your place or space might be able to lock-down and shelter people within it for several hours
  - **Communicate** - Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

## Admission and control of entry

6. The designated queuing area shall be enclosed within appropriate barriers and ensure that a minimum width of 1.8m [or specify if greater] is maintained on the footway to allow safe passage by pedestrians.
7. An ID scanning system approved in writing by the licensing authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.

8. All persons entering or re-entering the premises must be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].
9. No patron shall be admitted or readmitted to the premises [after XX:XX hours] unless they have [passed through a metal detecting search arch] [been searched using hand-held electronic search wands] and, if the search equipment is activated, have been physically searched in accordance with a procedure agreed with Greater Manchester Police, which must include a 'pat down search' and a full bag search. Search equipment must be kept in working order.
10. No customer will be permitted to enter or re-enter the premises between the hours of [specify] save for persons who have temporarily left the premises (e.g. to smoke).
11. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
12. No more than [insert number] customers will be permitted on the premises at any one time.
13. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place.

## Door supervisors

14. Door supervision must be provided on (specify days / circumstance).  
Door supervisors must be on duty from [specify hours] and must remain on duty until the premises are closed and all the customers have left.



15. On [specify days/hours], at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan].
16. Door supervisors shall be employed at the ratio of [XX] door supervisor for every 100 customers (or part thereof).
17. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
  - (i) Size of the venue
  - (ii) Expected attendance
  - (iii) Type of event taking place
  - (iv) Location of the premises
  - (v) Time of year
  - (vi) Special occasion (New Year, Halloween, Local events etc.)
  - (vii) Premises Licence Conditions
18. At least [XX] female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.
19. All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].
20. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.
21. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.

22. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
23. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.
24. Random searches shall be undertaken of customers entering the premises between the hours of [insert times] and prominent signage to this effect.
25. A metal detection device shall be randomly used by door supervisors to search patrons for weapons.
26. A search arch shall be used at the premises to detect customers who may be carrying weapons.
27. Bag clips shall be made available on the premises.

## Bodycams

28. On [specify days/hours], at least [insert number] of SIA registered door supervisors on duty at [specify location at the premises] [or as shown on the plan] must wear working body cams.
29. All body cams must:
  - (i) be activated by the wearer to record any incident of crime and disorder they witness;
  - (ii) provide a continuous recording loop designed to ensure that relevant information is still captured if the User is unable to immediately activate the recording;
  - (iii) produce an acceptable video recording under street lighting and inside buildings, including low-light conditions

- (iv) be overt, be pointed correctly to ensure best evidence is captured, and worn so that it will not be obscured by clothing;
  - (v) be capable of clearly recording a conversation between the User and people in close proximity; and be optimised to record speech rather than background noise;
  - (vi) record synchronised video and audio;
  - (vii) employ a wide-angle lens that records a broad scene in full focus;
  - (viii) be securely attached to avoid accidental loss and malicious removal
  - (ix) be equipped with sufficient storage and battery capacity to cover the requirements of a working shift.
  - (x) record in a format viewable in its original format using free software including VLC media player
  - (xi) when transferred off the device, recordings should be preserved in their original format and any metadata retained
  - (xii) must always show the correct time and date in video footage, for evidential continuity
  - (xiii) be capable of still capturing video if the microphone malfunctions, and audio is still captured if the camera malfunctions.
  - (xiv) not overwrite data once recording capacity is reached.
30. A record must be kept of the SIA registration number of the door supervisor and the ID of bodycam worn by them.
31. Bodycam images must be stored so that they are retrievable and accessible for replay and viewing, and kept in an environment that will not be detrimental to the quality or capacity for future viewing. They should be appropriately labelled to enable identification and retrieval and kept for a minimum of 28 days.

32. The premises licence holder must ensure there are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

## CCTV

33. The premises licence holder must ensure that:

- (i) CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
- (ii) The system records clear images permitting the identification of individuals.
- (iii) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- (iv) The CCTV system operates at all times while the premises are open for licensable activities [or specify timings].
- (v) All equipment must have a constant and accurate time and date generation.
- (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- (vii) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

- (viii) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested.

## Preventing illegal drug use

34. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or [designated role-holder at business], shall have access. All controlled drugs (or items suspected to be, or, containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Greater Manchester Police for appropriate disposal.
35. The premises shall operate a zero-tolerance policy to drug use and posters shall be prominently displayed to this effect. All staff shall be trained in the implementation of the venue's drugs policy.
36. Toilet cisterns shall be provided with sloping lids or similar to discourage drug use.

## Promotional activity

37. The premises licence holder must submit to [insert contact details for Responsible Authority] a completed risk assessment form as prescribed at least 14 days before any event that is
- (i) Promoted / advertised to the public at any time before the event;  
and

- (ii) Features DJ's, MC's or equivalent performing to a record backing track; and
  - (iii) Runs anytime between the hours of [insert hours].
38. No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

## Incident reporting

39. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details (delete as appropriate):

- (i) All alleged crimes reported to the venue or by the venue to the police
- (ii) All ejections of patrons
- (iii) Any complaints received
- (iv) Any incidents of disorder
- (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
- (vi) Any faults in the CCTV system, searching equipment or scanning equipment
- (vii) Any refusal of the sale of alcohol
- (viii) Any faults in the CCTV system, searching equipment or scanning equipment
- (ix) Any visit by a responsible authority or emergency service

- (x) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

## Staff training (alcohol & vulnerability welfare)

- 40. All staff authorised to sell alcohol shall be trained in (delete as appropriate):
  - (i) Relevant age restrictions in respect of products
  - (ii) Prevent underage sales
  - (iii) Prevent proxy sales
  - (iv) Maintain the refusals log
  - (v) Enter sales correctly on the tills so the prompts show as appropriate
  - (vi) Recognising signs of drunkenness and vulnerability
  - (vii) How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
  - (viii) How to refuse service
  - (ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
  - (x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
  - (xi) The conditions in force under this licence.
- 41. Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.

42. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [or specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

## Preventing and dealing with drunkenness and vulnerability

43. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.
44. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to sell alcohol to anyone who is drunk.
45. A Personal Licence Holder must be present at the premises to supervise all sales of alcohol.
46. A minimum of [specify] persons must be employed and on duty at the premises between [specify days/hours] who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.
47. The premises shall provide facilities for customers to securely recharge their mobile phones.



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

48. No sale of single cans of beer, lager or cider.
49. The premises will not sell any beer, lager, or cider that is equal to or greater than 6% ABV. For the avoidance of doubt, this does not include specialist products from craft microbreweries or limited edition / seasonal products (e.g. Christmas gift packs), subject to Police and Licensing Authority discretion.
50. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.

## Glassware and use of ice fountains / bottle sparklers

51. Drinks must only be served in polycarbonate/plastic containers [on specified days or events] [upon reasonable notice by Greater Manchester Police].
52. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers [except for consumption in any delineated external area as shown on the plan attached to the licence].
53. Spirit, Champagne and all other glass bottles greater than [70cl] are restricted to customers seated at a [table] [booth] in the delineated area[s] as shown on the plan attached to the licence. These bottles must be secured to the table or ice bucket and must only be dispensed

by a member of staff who is trained in the responsible service of alcohol. Customers must not be permitted to leave their table carrying any such bottle, or be permitted to drink directly from the bottle.

54. Ice fountains or similar products (which are classed as HT4 explosives):

- a) Must be kept in their original packaging and only stored in a secure store room or fire-resistant cabinet that the public have no access to. The room/cabinet must be kept locked, except for the depositing or removal of products but must be locked immediately thereafter.
- b) Their use must be risk assessed in advance and appropriate control measure put in place to reduce the risk to staff and customers, which must include (but is not limited to):
  - (i) staff training in their safe use and dispersal
  - (ii) the provision of appropriate first aid training and equipment
  - (iii) suitability of areas of the premises where the products will be used
- c) The risk assessment and control measures identified must be documented, kept on the premises and made available for inspection to a police, fire or authorised officer upon request.

## Preventing underage sales

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

card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

56. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that the Challenge [25] scheme is in operation.
57. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
58. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

## Alcohol deliveries

59. The premises licence holder shall provide the following information in writing to the licensing authority before any sale of alcohol is carried out (and notify change to this information to the licensing authority within 7 days):
- (i) The trading name of any company that will operate under the licence
  - (ii) All telephone numbers that will be used to accept orders
  - (iii) The URL/website address that will be used to accept orders.

60. Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.

61. All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

## **Restaurants and takeaways (alcohol)**

62. The premises must only operate as a restaurant:

- (i) in which customers are seated at a table,
- (ii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
- (iii) which do not provide any take away service of food or drink for immediate consumption, and
- (iv) where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

63. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a takeaway meal.

## **Restricting alcohol sales in relation to designated special events, eg. football matches**

64. Prior to any [designated special event by Greater Manchester Police] [‘designated sporting event’ (as defined in the Sporting Events Control of Alcohol Act 1985)] the premises licence holder shall ensure that:

- (i) Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated [special] [sporting] event
- (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated [special] [sporting] event
- (iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated [special] [sporting] event
- (iv) On any day where there is a relevant designated [special] [sporting] event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated [special] [sporting] event or in the vicinity of the premises as a result of the designated [special] [sporting] event
- (v) All members of staff working at the premises are informed of this condition prior to taking up employment
- (vi) On the day of the relevant designated [special] [sporting] event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.

## Use of special effects

65. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used if 10 days' prior

notice is given to the licensing authority where consent has not previously been given:

- (i) Dry ice and cryogenic fog
- (ii) Smoke machines and fog generators
- (iii) Pyrotechnics, including fireworks
- (iv) Firearms (eg. Blank firing pistols)
- (v) Lasers
- (vi) Explosives and highly flammable substances
- (vii) Real flame
- (viii) Strobe lighting.

## Emergencies

66. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.
67. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
68. All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than [specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Trafford Council.

69. The premises shall have a minimum 20m rescue throwline available on the premises for emergency use. All on-duty staff (including security) shall be knowledgeable of its location and the manufacturer's instructions for use.

## Preventing noise and other public nuisances

70. All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.

71. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

72. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council]. Only the Premises Licence Holder and the Designated Premises Supervisor will have access to the noise limiting device.

73. The location and orientation of loudspeakers must be as specified on the attached premises plan.

74. An [acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer] must be installed [specify the location / define on plan].

75. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

76. Any queue in a (designated queuing area) to enter the premises must be supervised at all times by door supervisors.
77. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
78. The dispersal of customers from the premises must be managed in accordance with the following:
- a. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
  - b. Public announcements requesting customers to leave quietly to minimize disturbance to nearby residents
  - c. A [specify minutes] period where music volume is reduced / lighting increased / alcohol sales cease.

## Deliveries (nuisance)

79. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.
80. No deliveries or collections relating to licensable activities at the premises will take place between the hours of [insert hours].
81. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines



and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.

82. Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.

## Smoking and other external areas

83. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as [specify location / mark on plan]. No more than [insert number] of customers will be permitted to remain in the designated smoking area at any one time.

84. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

85. No more than *[insert number]* customers will be permitted to enter or remain in [define outdoor area(s)] of the premises at any one time, between the hours of [specify].

86. The tables and chairs outside the premises shall be brought inside at [insert time]

87. Staff shall regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises.

88. The use of the garden/external area shall cease after (insert time) hours on (insert days of the week)
89. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.

## Litter and cleansing

90. At [specify times] [specify areas] outside the premises, including [specify areas] must be swept and/or washed, and litter and sweepings collected and stored [specify storage and collection].
91. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name.
92. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
93. Empty bottles which have been collected must be placed into locked bins when deposited outside.
94. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
95. Between the hours of [insert hours] no waste/glass bottles will be moved or deposited outside.
96. Persons wishing to leave the premises to smoke shall not be permitted to take drinks outside with them.

## Children on the premises

97. No person under the age of [insert age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
98. The PLH/DPS will provide [specify ratio] adult supervisors at a ratio of [specify ratio] who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.
99. The licence holder and/or DPS shall ensure that any child performer is licensed with Trafford Council and accompanied by a registered chaperone. Documented records should be kept for six months, including the child's name, their licence number and chaperone details.
100. Where children are allowed on the premises, information shall be displayed [location] on what to do if there is a cause for concern regarding a child's welfare. This shall include reporting to Trafford Council via on 0161 912 4242 or [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk) or NSPCC on 0808 800 5000 (free 24-hour service) or dialling 999 in the event of an immediate threat.

## Late night refreshment

101. Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.
102. Between [specify hours from 11pm/days] customers must not be permitted to remove from the premises any hot food or hot drink (late night refreshment) provided at the premises.

## Large events

103. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.

## Boxing and wrestling (including MMA and other combat sports)

104. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority. The Plan must set out (but is not limited to):

- (i) Full contact details of the organisers and other parties involved in the event.
- (ii) The medical cover that will be provided at this event. Will there be a Registered Doctor and a Paramedic will be provided as a minimum. Has facility to providing an ambulance been considered for the event? The Council would prefer that an ambulance is provided.
- (iii) The medical checks that will be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.
- (iv) How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category.
- (v) Details of the ring set up and who will be carrying this out.

- (vi) The numbers of referees and judges taking part in the event.
- (vii) The type and weight of boxing gloves that will be used by the boxers and how these will be inspected.
- (viii) What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties.
- (ix) Details of the Personal Protective Equipment that will be worn by boxers.
- (x) Actions that will be taken in an emergency and how parties will communicate.
- (xi) Site checks that will be completed prior to the event taking place.
- (xii) Referee details including qualifications.

## Adult entertainment

105. The premises may not show R18 films without the benefit of a sex cinema licence.

106. No person under the age of 18 will be permitted to enter or remain on the premises when any “relevant entertainment” (as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 is taking place.

For reference:

Relevant entertainment is ‘Any live performance or any live display of nudity, which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

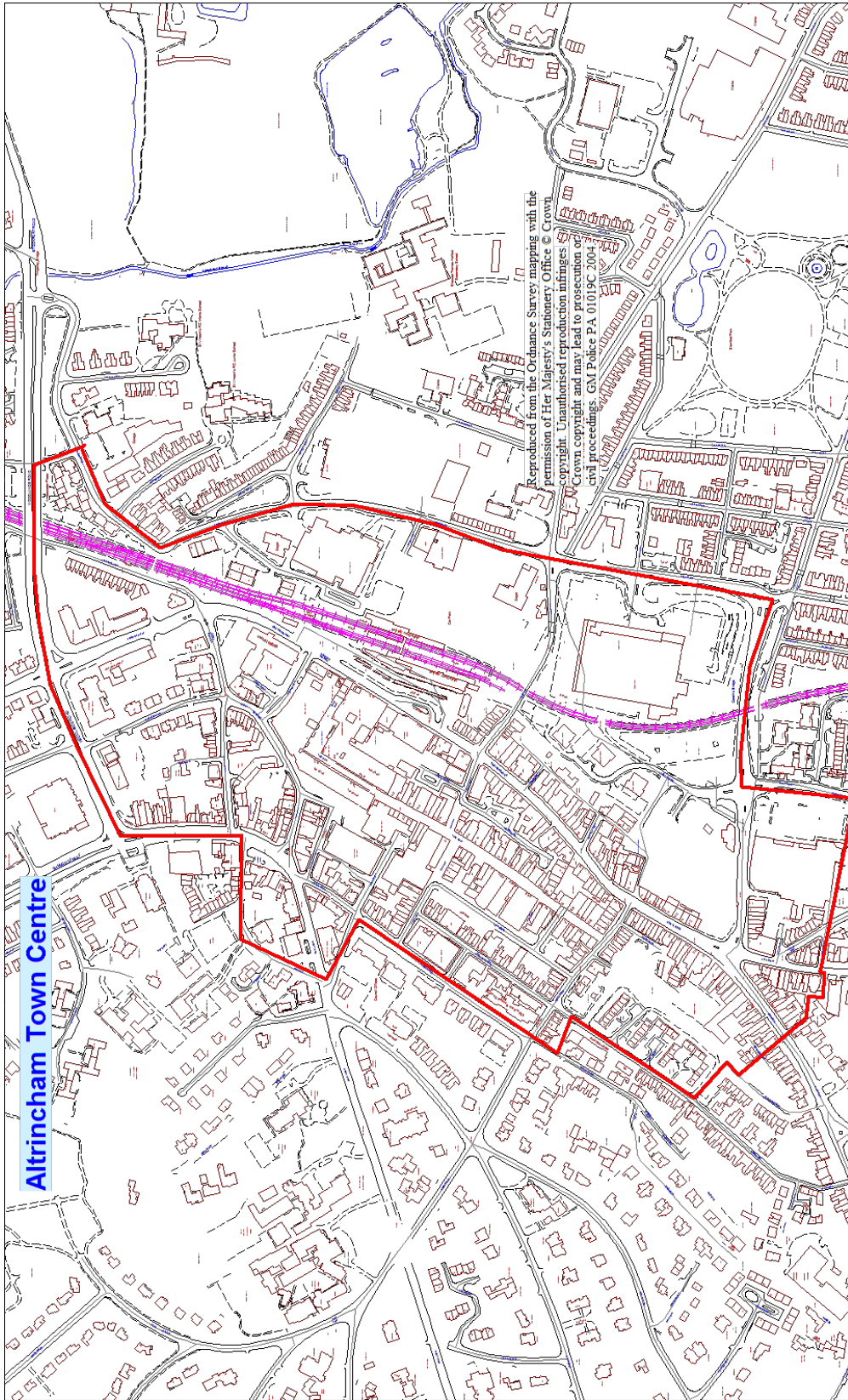
Display of nudity means in the case of a women - exposure of her nipples, pubic area, genitals or anus; and in the case of a man - exposure of his pubic area, genitals or anus.

The audience can consist of one person.

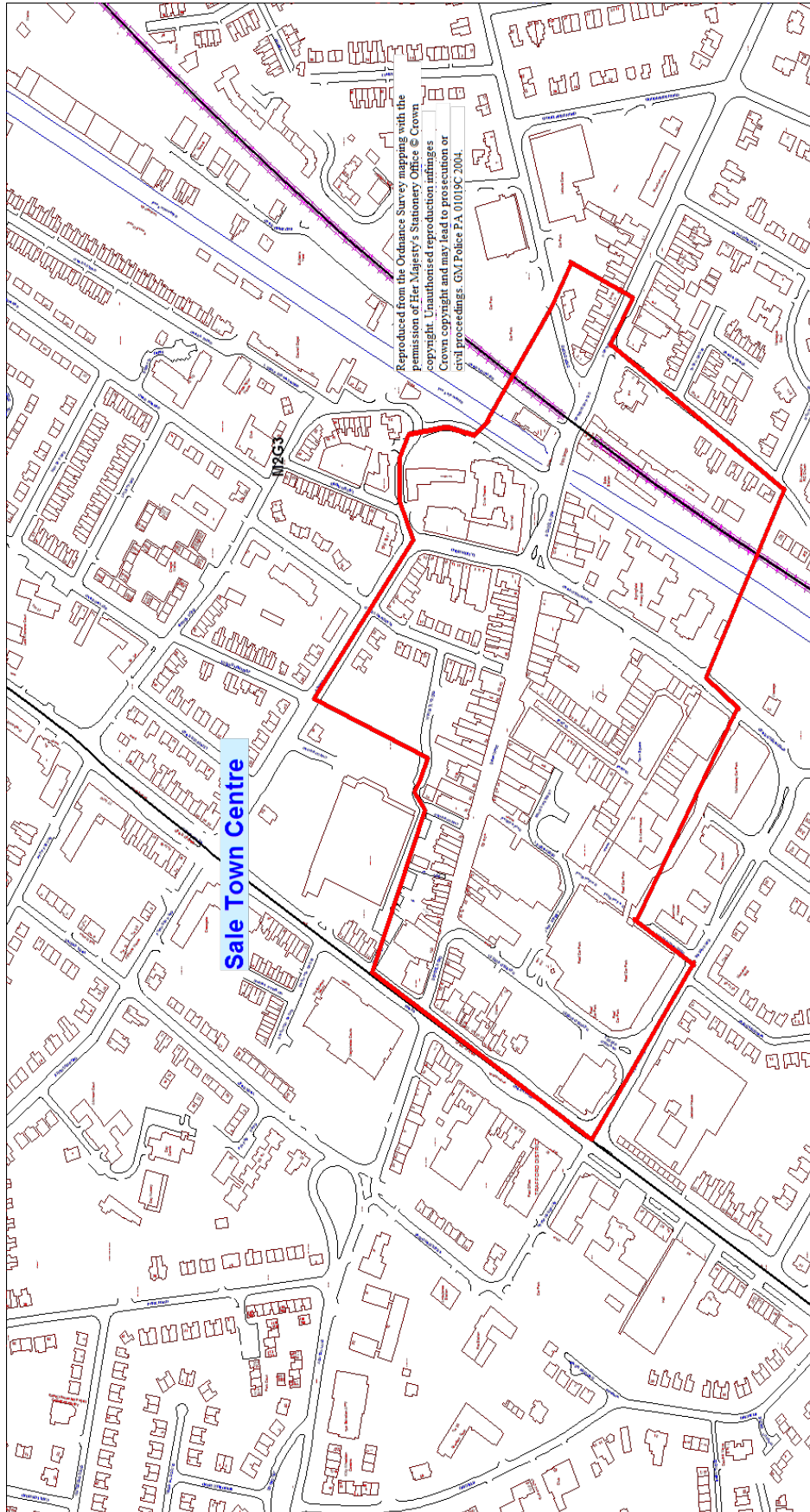
## Dispersal

107. The dispersal of customers from the premises must be managed in accordance with the following:
- (i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
  - (ii) Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents.
  - (iii) A [specify minutes] period where [music volume is reduced / lighting increased / alcohol sales cease].
  - (iv) A suitable member of staff or a Door Supervisor[s] will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking
  - (v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.
108. From no later than 1 hour before the premises closes to the public, a member of staff shall be dedicated to monitor the dispersal of customers and ensure patrons do not contribute to anti-social behaviour in the vicinity. They will be easily identifiable by way of their uniform or high visibility jacket / vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.

# Appendix D: Map of Altrincham Town Centre



# Appendix E: Map of Sale Town Centre





## Appendix F: Responsible Authorities

### **Environmental Health Team**

Regulatory Services

Trafford Council

Trafford Town Hall

Talbot Road

Stretford

M32 0TH

Tel: 0161 912 4916

Email: [environmental.heath@trafford.gov.uk](mailto:environmental.heath@trafford.gov.uk)

### **Pollution & Housing Team**

Regulatory Services

Trafford Council

Trafford Town hall

Stretford

M32 0TH

Tel: 0161 912 4916

Email: [environmental.protection@trafford.gov.uk](mailto:environmental.protection@trafford.gov.uk)

### **Planning Service**

Trafford Council

PO Box 96

Sale

Cheshire

Tel: 0161 912 3149

Email: [development.management@trafford.gov.uk](mailto:development.management@trafford.gov.uk)

### **Safeguarding Children Unit**

Children and Young People's Service

Trafford Town Hall

Talbot Road

Stretford

M32 0TH

Tel: 0161 912 4009

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

**Greater Manchester Police**

The Chief Superintendent

Stretford Police Station

Talbot Road

Stretford

M32 0XB

Tel: 0161 856 7869

Email: [Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk)

Email: [Trafford.PartnershipTeam@gmp.police.uk](mailto:Trafford.PartnershipTeam@gmp.police.uk)

**Greater Manchester Fire and Rescue Service**

The Fire Safety Manager

Greater Manchester Fire and Rescue Service

Stretford Fire Station

246 Park Road

Stretford

M32 8RJ

Tel. 0161 608 9210

Email: [P&PAdminTeamSalford&@manchesterfire.gov.uk](mailto:P&PAdminTeamSalford&@manchesterfire.gov.uk)

**Health & Safety Executive - North West Office**

Grove House

Skerton Road

Manchester

M16 0RB

Tel: 0161 952 8200

**Public Health Authority**

Children, Families and Wellbeing Directorate

Trafford Council

Trafford Town Hall

Talbot Road

Stretford

Manchester

M32 0<sup>TH</sup>

Tel: 0161 912 1936  
Email: [Eleanor.Roaf@trafford.gov.uk](mailto:Eleanor.Roaf@trafford.gov.uk)

**Environment Agency - North West Office**

Appleton House  
430 Birchwood Boulevard  
Birchwood  
Warrington  
WA3 7WD  
Tel: 08708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

**British Waterways Board - North West Office**

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

**Secretary of State for Transport**

Enquiry Service  
Department of Transport  
Great Minster House  
76 Marsham Street  
London  
SW1P 4DR  
Tel: 020 7219 8497  
Email: [shappsg@parliament.uk](mailto:shappsg@parliament.uk)

## Appendix G: Policy Consultation List

Adam Geoffrey Management  
Altrincham and Bowdon Civic Society  
Altrincham Football Club (Grahame Prowley)  
Altrincham Town Centre Partnership  
Altrincham Unlimited  
Amblehurst Hotel, Sale  
Asda  
B&M Stores  
Blake Morgan Solicitors  
British Beer & Pub Association  
British Institute of Innkeeping  
British Retail Consortium  
British Transport Police  
Burger King UK Limited  
Campaign for Real Ale  
Church of Christ Stretford  
Church of England(Sale)  
Co-operative Group Food Limited  
Cresta Court Hotel, Altrincham  
DAC Beachcroft Solicitors  
David Lloyd Leisure  
DWF Solicitors  
Enterprise Inns  
Environment Agency – North West Office  
Filmbank  
Flint Bishop Solicitors  
Ford & Warren Solicitors  
Freeths Solicitors  
Gosschalk Solicitors  
Greater Manchester Chamber of Commerce  
Greater Manchester Fire & Rescue Service  
Greater Manchester Police  
Greene King  
Harrison Clark Rickerbys Solicitors  
Hydes Brewery Limited  
J D Wetherspools  
J W Lees & Co Brewers Limited  
Jewish Representative Council  
John Gaunt Solicitors  
Joseph Holt Limited

Kuits Solicitors  
L R Law Solicitors  
Lancashire County Cricket Club  
Licensing Legal Solicitors  
Licensing Matters Solicitors  
Local Government Association  
Lockett & Co Solicitors  
Manchester United Football Club  
Marks & Spencer plc  
Marstons Brewery  
Martin & McColls  
Mitchells & Butler Leisure Retail Limited  
Naphthens Solicitors  
One Stop Stores  
Punch Taverns Limited  
Quality Save  
Safer Trafford Partnership  
Sainsbury's plc  
Salvation Army – North West  
Secretary of State for Transport  
Shoosmiths Solicitors  
Spar (UK) Limited  
Tesco Stores Limited  
The Magistrates Association  
The National Trust  
TLT LLP Solicitors  
Trafford Arts Association  
Trafford Housing Trust  
Trethowans Solicitors  
UCI (UK) Limited  
United Co-operative Limited  
VUE Cinemas  
Warrington Borough Council  
Winckworth Sherwood Solicitors  
Wolverhampton & Dudley Breweries plc  
Woods Whur Solicitors  
Association of Convenience Stores  
Association of Licensed Multiple Retailers  
Association of Town Centre Managers  
Buddhist Centre  
Federation of Licensed Victuallers Associations  
Greater Manchester Churches Together  
Greater Manchester Passenger Transport Executive  
InnCourt Licensing Consultants  
Jacqueline Foster MEP  
Julie Ward MEP

Louise Bours  
 Steven Woolfe MEP  
 Theresa Griffin MEP  
 Trafford Primary Care Trust  
 National Association of Head Teachers  
 National Consumer Federation  
 North West Waterways – Canal & River Trust  
 Paul Nuttal MEP  
 Sajjad Karim MEP  
 NCM 2000  
 Restaurant Association

## Council consultees

Equality & Diversity Manager  
 Strategic Manager Culture & Sport  
 All Councillors  
 Head of Partnerships & Communities  
 Planning  
 Director of Public Health  
 Strategic Manager Crime & Antisocial Behaviour  
 Trading Standards Team  
 Environmental Health Team  
 Environmental Protection Team  
 Director of All Age Commissioning  
 NHS Trafford Clinical Commissioning Group  
 Safeguarding Children  
 NHS Trafford Clinical Commissioning Group

## Bordering authorities

Cheshire East Council  
 Salford City Council  
 Manchester City Council  
 Warrington Borough Council  
 Stockport Borough Council

## Review of Trafford's Licensing Policy 2021-2026: Summary report

This report was created on Tuesday 22 September 2020 at 09:33 and includes 6 responses.

The consultation ran from 29/06/2020 to 18/09/2020.

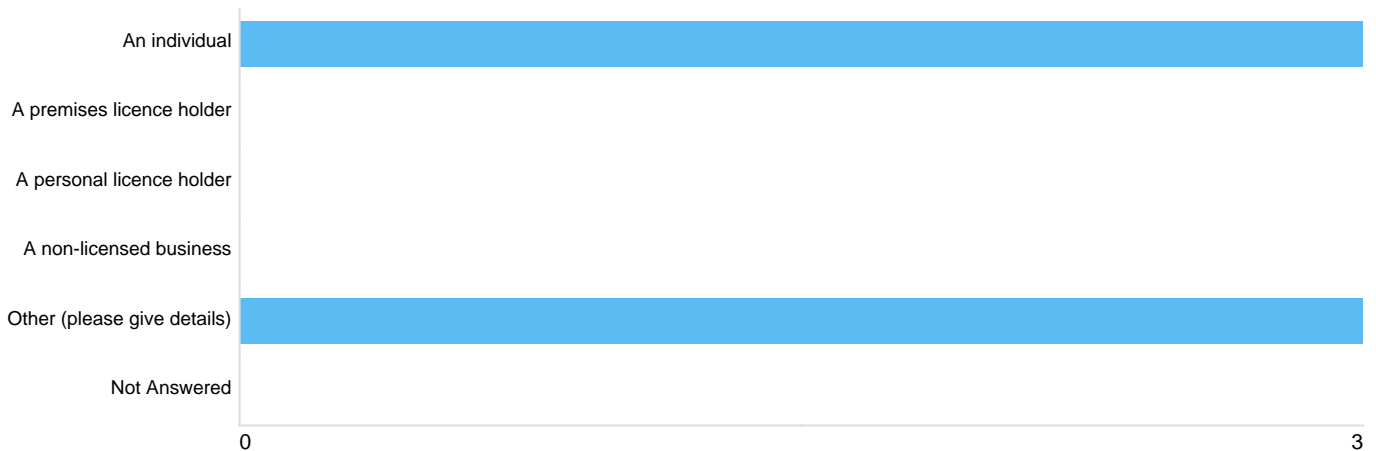
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| Prevention of C&D  | 5  |
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| Child protection   | 6  |
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| 4 Licensing Obj protected  | 6  |
| 4 Licensing Obj met  | 6  |
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| Sale CIZ prom Lic Obj   | 13 |

**Question 1: Are you responding as:**

**Body represented**



| Option                      | Total | Percent |
|-----------------------------|-------|---------|
| An individual               | 3     | 50.00%  |
| A premises licence holder   | 0     | 0.00%   |
| A personal licence holder   | 0     | 0.00%   |
| A non-licensed business     | 0     | 0.00%   |
| Other (please give details) | 3     | 50.00%  |
| Not Answered                | 0     | 0.00%   |

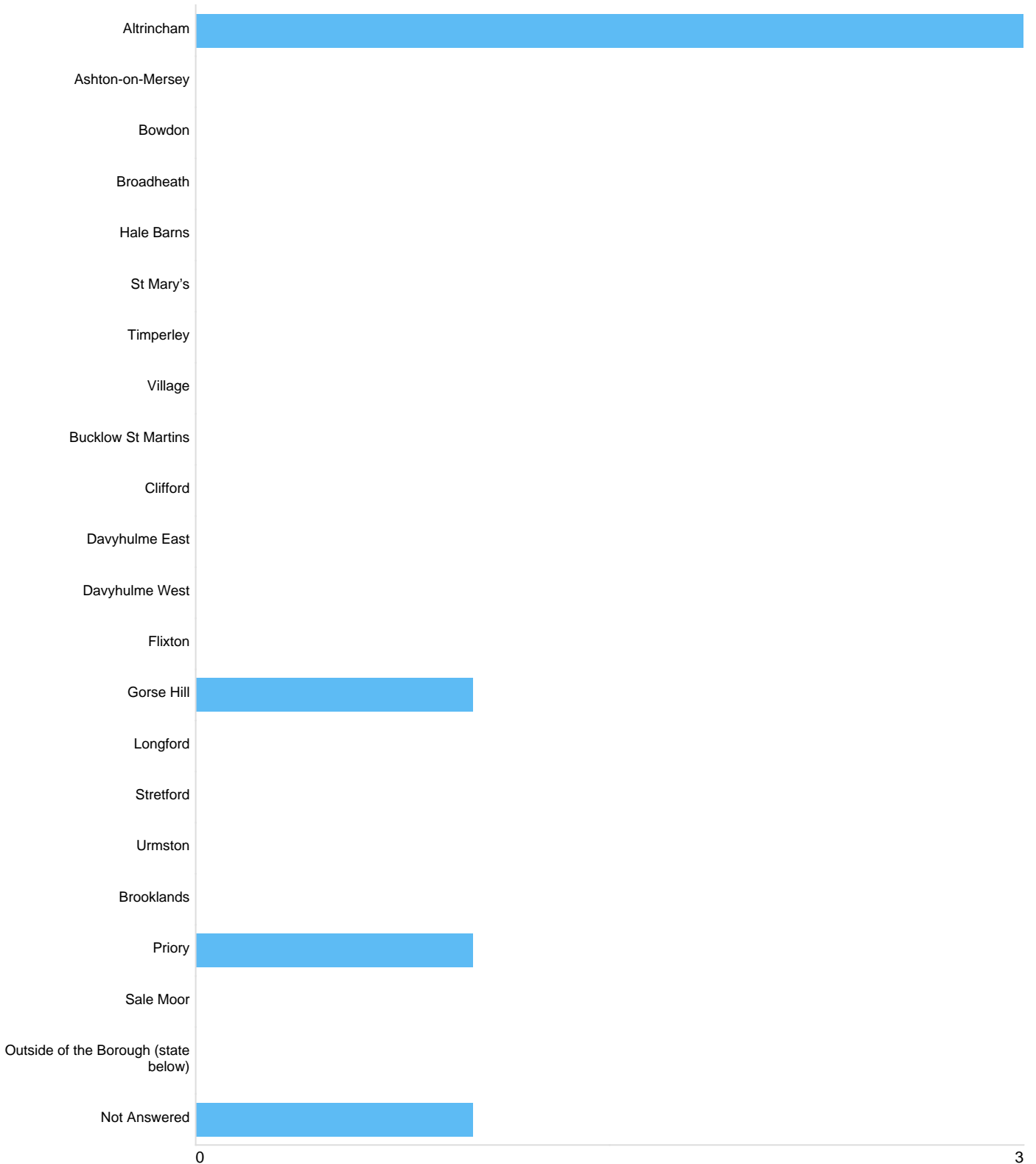
**Body represented**

There were 3 responses to this part of the question.



**Question 2: Which part of Trafford are you responding from ? (if outside of the Borough please say where)**

*Area*



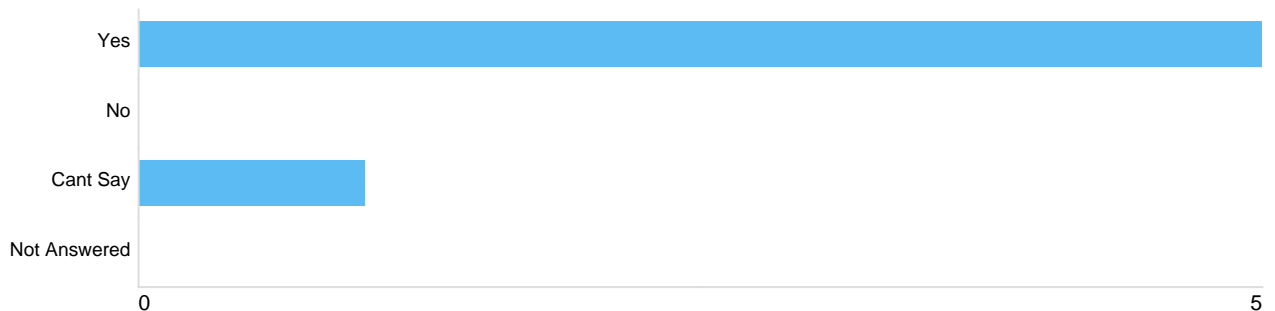
| Option                               | Total | Percent |
|--------------------------------------|-------|---------|
| Altrincham                           | 3     | 50.00%  |
| Ashton-on-Mersey                     | 0     | 0.00%   |
| Bowdon                               | 0     | 0.00%   |
| Broadheath                           | 0     | 0.00%   |
| Hale Barns                           | 0     | 0.00%   |
| St Mary's                            | 0     | 0.00%   |
| Timperley                            | 0     | 0.00%   |
| Village                              | 0     | 0.00%   |
| Bucklow St Martins                   | 0     | 0.00%   |
| Clifford                             | 0     | 0.00%   |
| Davyhulme East                       | 0     | 0.00%   |
| Davyhulme West                       | 0     | 0.00%   |
| Flixton                              | 0     | 0.00%   |
| Gorse Hill                           | 1     | 16.67%  |
| Longford                             | 0     | 0.00%   |
| Stretford                            | 0     | 0.00%   |
| Urmston                              | 0     | 0.00%   |
| Brooklands                           | 0     | 0.00%   |
| Priory                               | 1     | 16.67%  |
| Sale Moor                            | 0     | 0.00%   |
| Outside of the Borough (state below) | 0     | 0.00%   |
| Not Answered                         | 1     | 16.67%  |

**Area**

There were 0 responses to this part of the question.

**Question 3: Is the draft Trafford Council Statement of Licensing Policy 2021-2026 clear ?**

**Clarity**



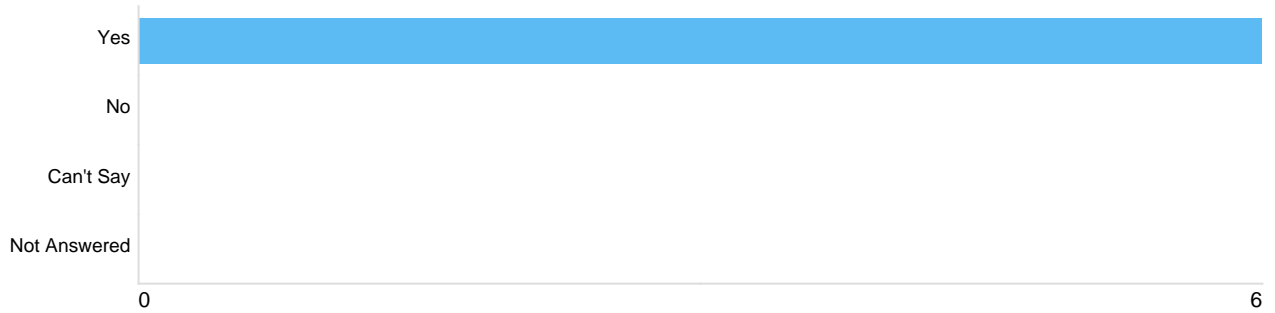
| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 5     | 83.33%  |
| No           | 0     | 0.00%   |
| Cant Say     | 1     | 16.67%  |
| Not Answered | 0     | 0.00%   |

**Clarity suggestions**

There were 0 responses to this part of the question.

**Question 4: Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting the prevention of crime and disorder ?**

**Promote C&D**



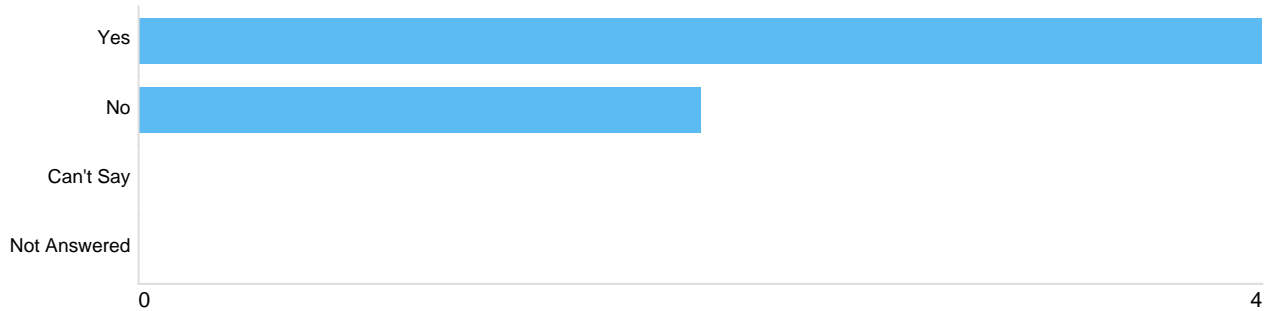
| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 6     | 100.00% |
| No           | 0     | 0.00%   |
| Can't Say    | 0     | 0.00%   |
| Not Answered | 0     | 0.00%   |

**Prevention of C&D**

There were 0 responses to this part of the question.

**Question 5: Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting the prevention of public nuisance ?**

**Prevention of Pub Nuis**



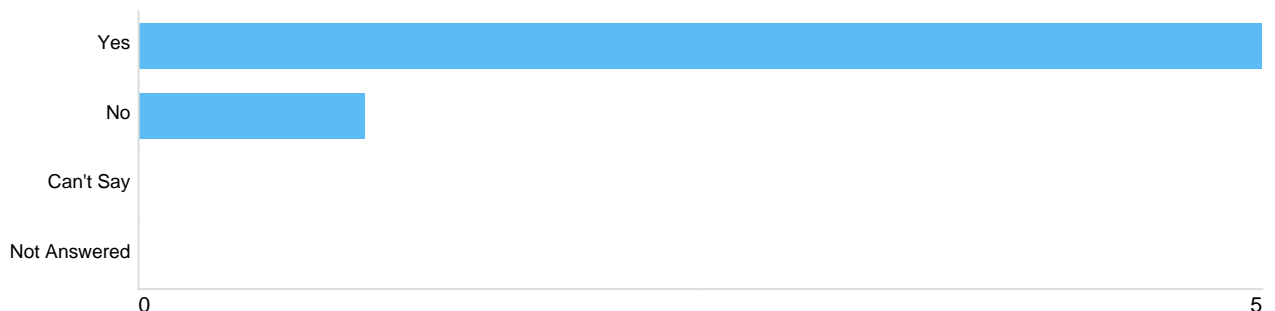
| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 4     | 66.67%  |
| No           | 2     | 33.33%  |
| Can't Say    | 0     | 0.00%   |
| Not Answered | 0     | 0.00%   |

**Public Nuisance**

There were 2 responses to this part of the question.

**Question 6: Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting public safety ?**

**Promote Pub Safety**



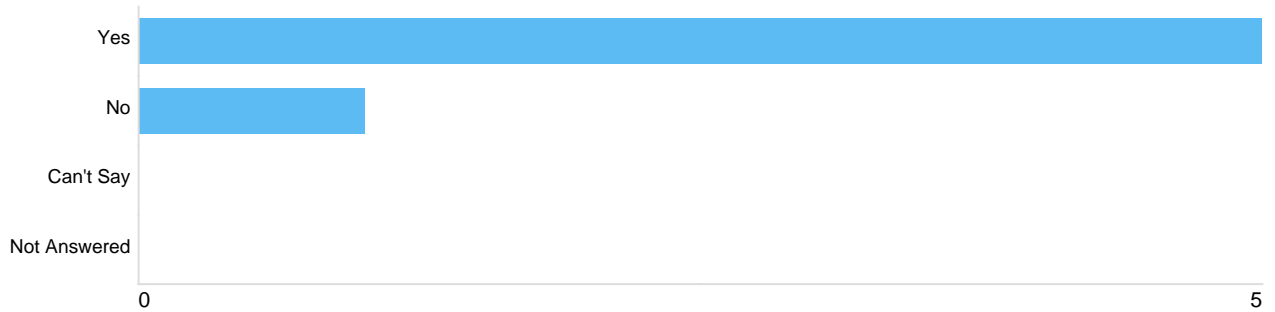
| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 5     | 83.33%  |
| No           | 1     | 16.67%  |
| Can't Say    | 0     | 0.00%   |
| Not Answered | 0     | 0.00%   |

**Public Safety**

There was 1 response to this part of the question.

**Question 7: Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting the protection of children from harm ?**

**Child Safety**



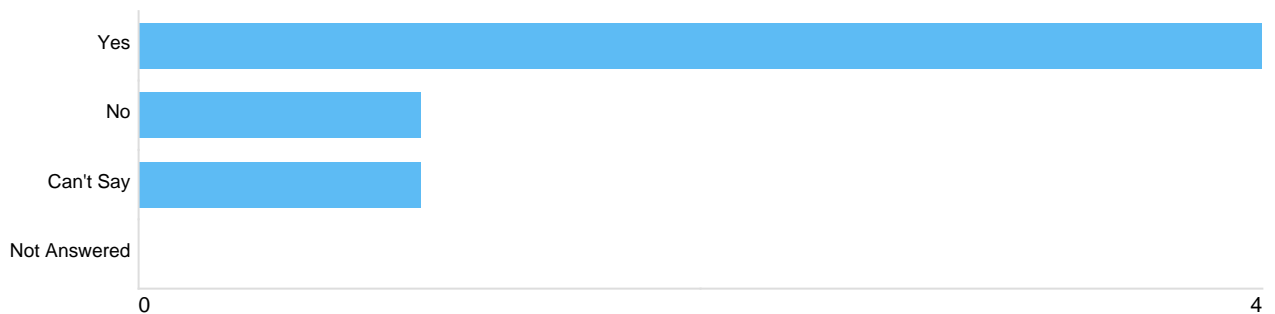
| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 5     | 83.33%  |
| No           | 1     | 16.67%  |
| Can't Say    | 0     | 0.00%   |
| Not Answered | 0     | 0.00%   |

**Child protection**

There was 1 response to this part of the question.

**Question 8: Do you think the draft Trafford Council Statement of Licensing Policy 2021-2026 strikes the right balance between allowing licensed premises to operate / invest and ensuring that the community and the four licensing objectives are protected ?**

**4 Licensing Obj protected**



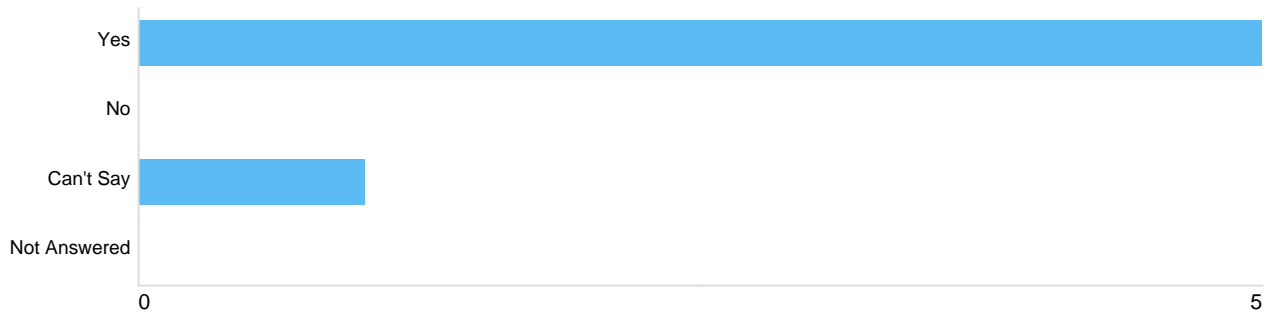
| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 4     | 66.67%  |
| No           | 1     | 16.67%  |
| Can't Say    | 1     | 16.67%  |
| Not Answered | 0     | 0.00%   |

**4 Licensing Obj met**

There were 3 responses to this part of the question.

**Question 9: Will the Cumulative Impact Zones in the Policy for both Altrincham & Sale Town Centre's help promote the four licensing objectives ?**

***CIZones***



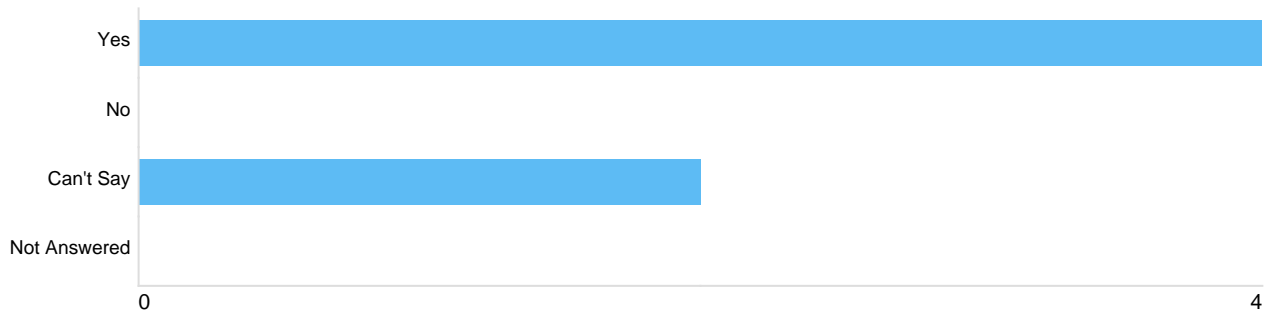
| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 5     | 83.33%  |
| No           | 0     | 0.00%   |
| Can't Say    | 1     | 16.67%  |
| Not Answered | 0     | 0.00%   |

***CIZones additional***

There was 1 response to this part of the question.

**Question 10: Are the proposed Model Conditions found in the Appendices (which are separate to the Policy, and can be updated at any time) appropriate to helping promote the four licensing objectives?**

***Promote 4 lic obj***



| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 4     | 66.67%  |
| No           | 0     | 0.00%   |
| Can't Say    | 2     | 33.33%  |
| Not Answered | 0     | 0.00%   |

***Promote 4 Lic Obj comments***

There were 0 responses to this part of the question.

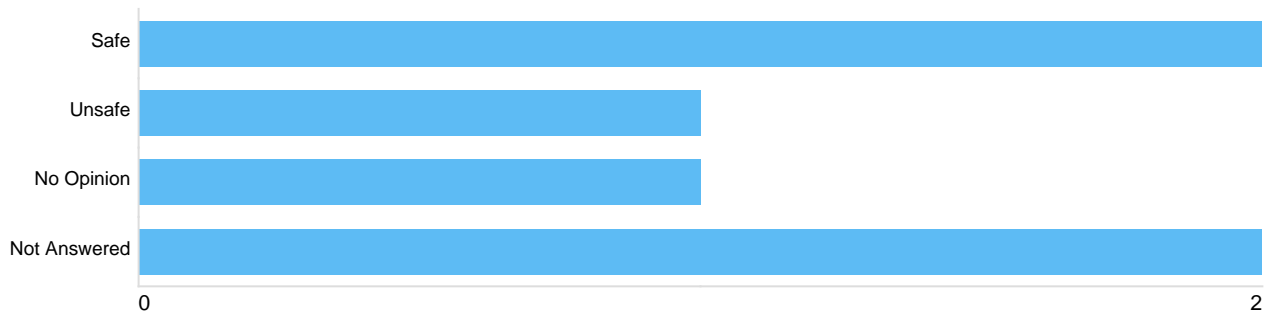
**Question 11: Do you have any final comments about the draft Trafford Council Statement of Licensing Policy 2021-2026, the existing Cumulative Impact Areas or the suggested Model Conditions ?**

***CIA additional comments***

There were 3 responses to this part of the question.

**Question 12: What is your perception of how safe you feel in Altrincham Town Centre CIZ area during the day ?**

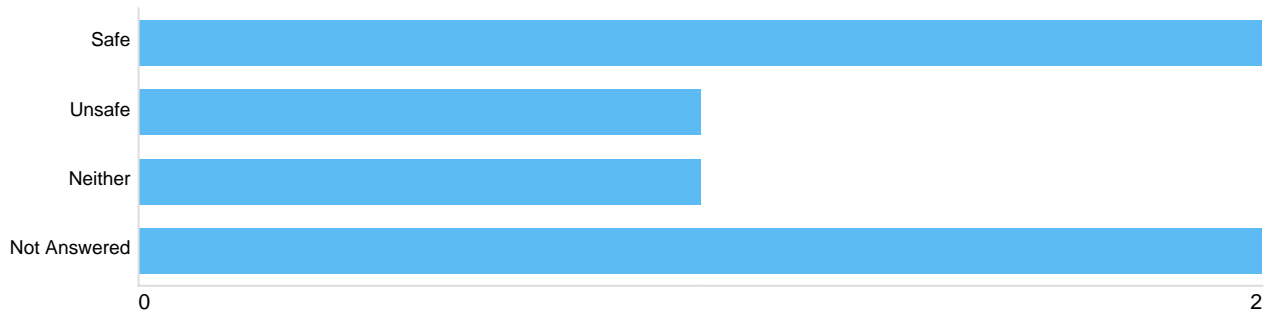
*Altrincham feel safe*



| Option       | Total | Percent |
|--------------|-------|---------|
| Safe         | 2     | 33.33%  |
| Unsafe       | 1     | 16.67%  |
| No Opinion   | 1     | 16.67%  |
| Not Answered | 2     | 33.33%  |

**Question 13: What is your perception of how safe you feel in Altrincham Town Centre CIZ area after dark ?**

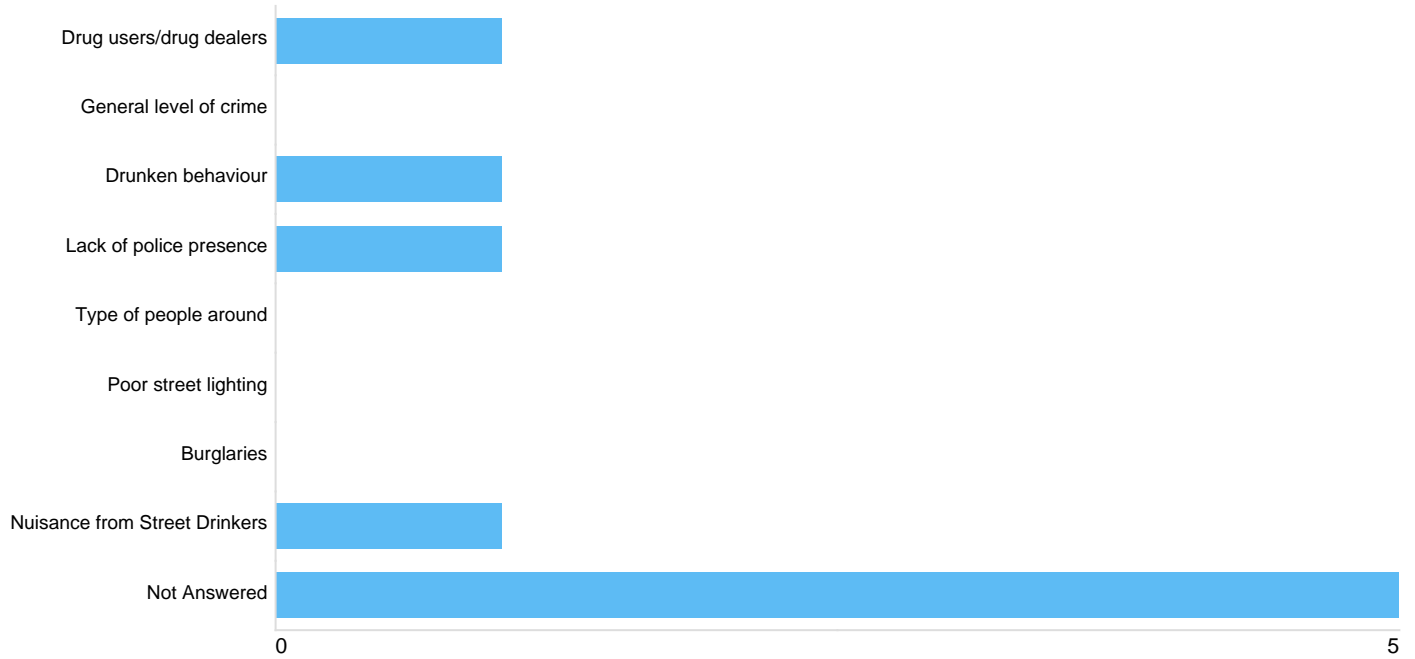
*Altrincham Safe/Unsafe in dark*



| Option       | Total | Percent |
|--------------|-------|---------|
| Safe         | 2     | 33.33%  |
| Unsafe       | 1     | 16.67%  |
| Neither      | 1     | 16.67%  |
| Not Answered | 2     | 33.33%  |

**Question 14: If you feel unsafe in Altrincham Town Centre CIZ area after dark, please select why you feel unsafe:**

**Unsafe reasons**



| Option                        | Total | Percent |
|-------------------------------|-------|---------|
| Drug users/drug dealers       | 1     | 16.67%  |
| General level of crime        | 0     | 0.00%   |
| Drunken behaviour             | 1     | 16.67%  |
| Lack of police presence       | 1     | 16.67%  |
| Type of people around         | 0     | 0.00%   |
| Poor street lighting          | 0     | 0.00%   |
| Burglaries                    | 0     | 0.00%   |
| Nuisance from Street Drinkers | 1     | 16.67%  |
| Not Answered                  | 5     | 83.33%  |

**Question 15: In your own words, can you explain why you feel unsafe in Altrincham Town Centre CIZ area after dark ?**

**Unsafe in Altrincham Town Centre comments**

There were 2 responses to this part of the question.

**Question 16: In Altrincham Town Centre CIZ area, what are the perceived anti-social behaviour issues ?**

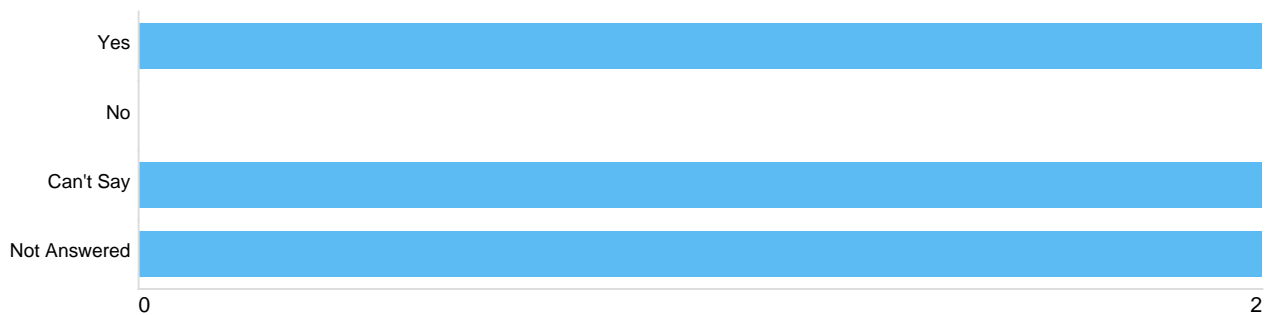
**Perceived ASB issues**



| Option  | Total | Percent |
|---|-------|---------|
| Rubbish or litter lying around  | 2     | 33.33%  |
| Groups hanging around the streets                                       | 3     | 50.00%  |
| People using or dealing drugs   | 2     | 33.33%  |
| People being drunk or rowdy in public places                            | 3     | 50.00%  |
| Vandalism, graffiti and other deliberate damage to property or vehicles | 0     | 0.00%   |
| Noisy neighbours or loud parties  | 0     | 0.00%   |
| Nuisance from street drinkers   | 2     | 33.33%  |
| Not Answered  | 3     | 50.00%  |

**Question 17: Do you think that the Cumulative Impact Zone area for Altrincham Town Centre will promote the licensing objectives ?**

**Alt promote licensing obj**

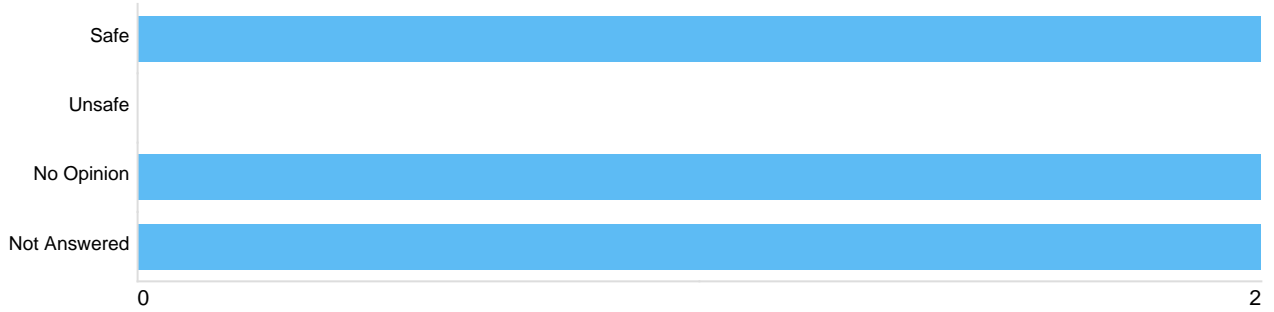




| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 2     | 33.33%  |
| No           | 0     | 0.00%   |
| Can't Say    | 2     | 33.33%  |
| Not Answered | 2     | 33.33%  |

**Question 18: What is your perception of how safe you feel in Sale Town Centre CIZ area during the day ?**

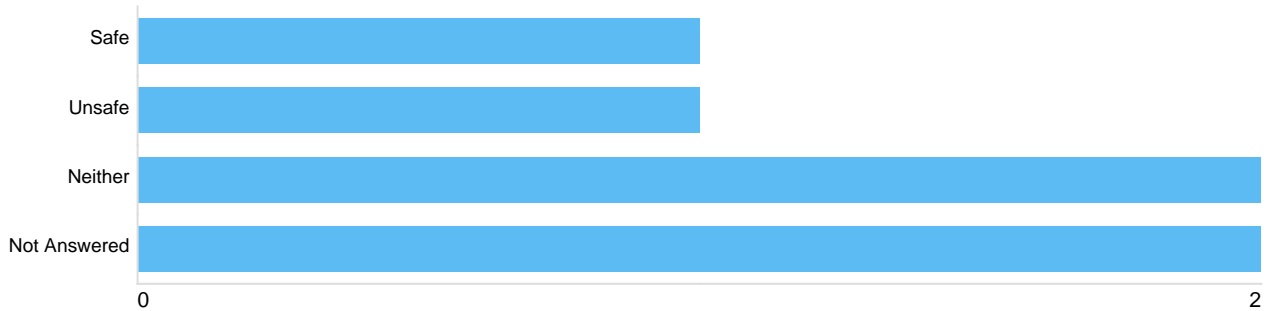
**Sale TC Safety**



| Option       | Total | Percent |
|--------------|-------|---------|
| Safe         | 2     | 33.33%  |
| Unsafe       | 0     | 0.00%   |
| No Opinion   | 2     | 33.33%  |
| Not Answered | 2     | 33.33%  |

**Question 19: What is your perception of how safe you feel in Sale Town Centre CIZ area after dark ?**

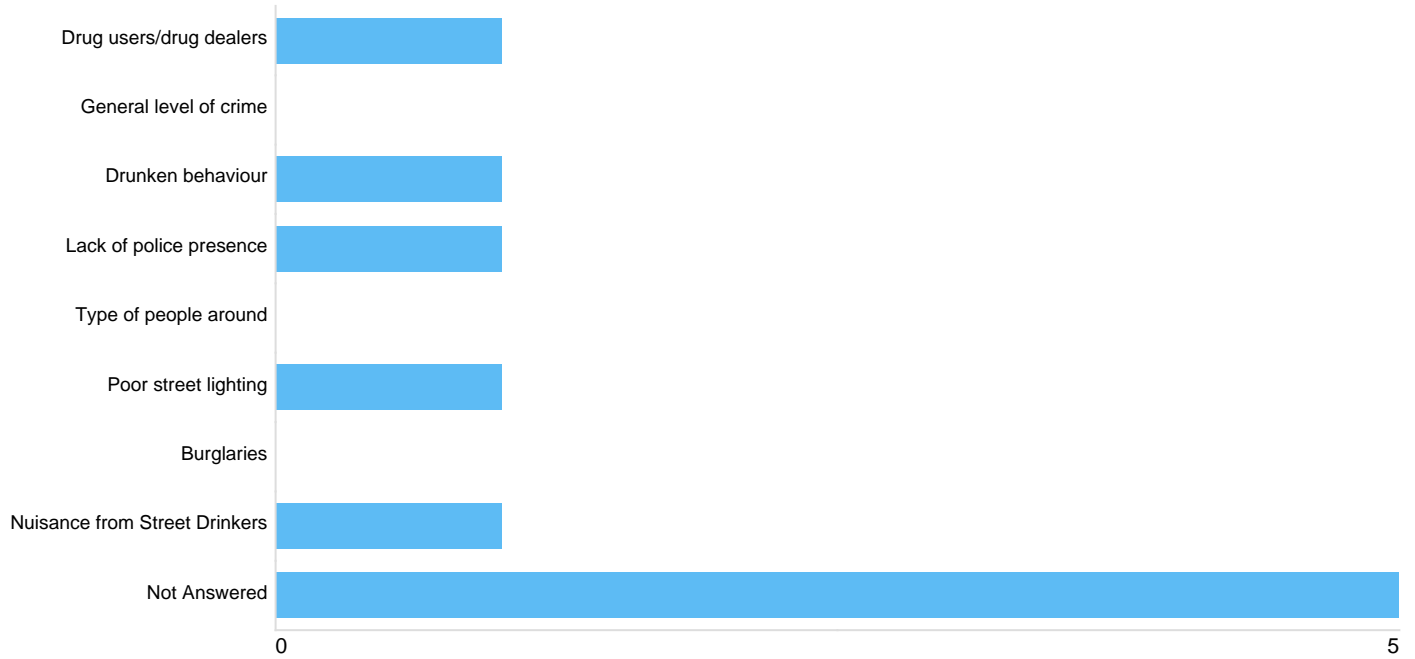
**Sale TC After dark**



| Option       | Total | Percent |
|--------------|-------|---------|
| Safe         | 1     | 16.67%  |
| Unsafe       | 1     | 16.67%  |
| Neither      | 2     | 33.33%  |
| Not Answered | 2     | 33.33%  |

**Question 20: If you feel unsafe in Sale Town Centre CIZ area after dark, please select why you feel unsafe ?**

**Sale TC Unsafe reasons**



| Option                        | Total | Percent |
|-------------------------------|-------|---------|
| Drug users/drug dealers       | 1     | 16.67%  |
| General level of crime        | 0     | 0.00%   |
| Drunken behaviour             | 1     | 16.67%  |
| Lack of police presence       | 1     | 16.67%  |
| Type of people around         | 0     | 0.00%   |
| Poor street lighting          | 1     | 16.67%  |
| Burglaries                    | 0     | 0.00%   |
| Nuisance from Street Drinkers | 1     | 16.67%  |
| Not Answered                  | 5     | 83.33%  |

**Question 21: In your own words, can you explain why you feel unsafe in Sale Town Centre after dark ?**

**Sale TC after dark comments**

There was 1 response to this part of the question.

**Question 22: In Sale Town Centre area, what are the perceived anti-social behaviour issues ?**

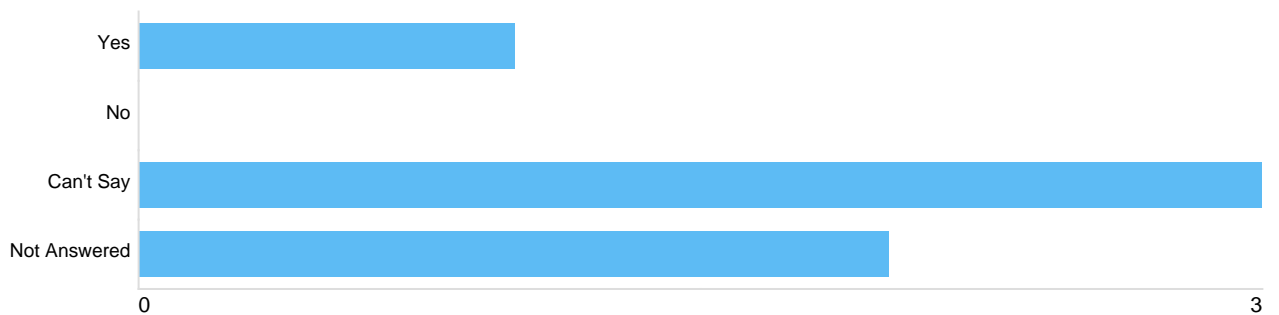
**Sale Perceived ASB Issues**



| Option  | Total | Percent |
|---|-------|---------|
| Rubbish or litter lying around  | 1     | 16.67%  |
| Groups hanging around the streets                                       | 2     | 33.33%  |
| People using or dealing drugs   | 0     | 0.00%   |
| People being drunk or rowdy in public places                            | 2     | 33.33%  |
| Vandalism, graffiti and other deliberate damage to property or vehicles | 1     | 16.67%  |
| Noisy neighbours or loud parties  | 1     | 16.67%  |
| Nuisance from street drinkers   | 0     | 0.00%   |
| Not Answered  | 4     | 66.67%  |

**Question 23: Do you think that the Cumulative Impact Zone area for Sale Town Centre will promote the licensing objectives ?**

**Sale CIZ prom Lic Obj**



| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 1     | 16.67%  |
| No           | 0     | 0.00%   |
| Can't Say    | 3     | 50.00%  |
| Not Answered | 2     | 33.33%  |

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

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

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

### Response

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

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

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

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

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

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

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

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

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

### **Response**

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

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

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

#### **Response**

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

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

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

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

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

#### **Preventing underage sales**

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

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

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

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



### **Children on the premises**

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

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

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

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

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

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

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

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

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

#### **Response**

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

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

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

### **Response**

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

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

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

Public Health commented: *Nothing further.*

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

### Response

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

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

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

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

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

### **Response**

Agree with the elected members comment.

The PSPO is being consulted on separately.

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# STATEMENT OF LICENSING POLICY

2021-2026

# Trafford Council Statement of Licensing Policy 2021-2026



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# 1.0 Introduction

1.1 Trafford Council is the Licensing Authority under the Licensing Act 2003 (the Act). The Licensing Authority must have regard to this policy when carrying out its functions under the Act.

1.2 The Act requires that the Licensing Authority must publish this statement of licensing policy in respect of each five-year period. This policy will be used as a guide when making decisions regarding licensing matters such as determining applications for licences. The Licensing Authority makes this statement of licensing policy in accordance with Section 5 of the Act.

1.3 This policy comes into force on 7<sup>th</sup> January 2021 and will remain in force for a period not exceeding five years and will be subject to review and further consultation before 7<sup>th</sup> January 2026. The Council will keep the policy under review, making any amendments as it considers appropriate to support licensing objectives, in particular the Special Licensing Policy on Cumulative Impact will be reviewed at a three-year period in accordance with S182 Guidance. All reviews will be subject to further consultation with all stakeholders and any revised policy will be published.

1.4 The revised policy has been subject to consultation. A detailed list of those that have been consulted is included at **Appendix G**. The act requires the Council to consult various bodies, to meet that requirement; the following Responsible Authorities have been consulted:

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases, the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- the Public Health Authority;
- The Council's Trading Standards Team
- the Area Child Protection Committee, and;

- any other relevant Licensing Authority in whose area a part of the premises are situated

Further to the minimum requirements around consultation. The Council also consulted representatives of holders of premises licences, club premises certificates, businesses and residents in the Borough.

A public consultation for a 12-week period was also carried out and full details of the proposed changes to the policy were published on Trafford Council's website,

All replies received to the consultation were considered before the policy was finalised and approved.

**1.5** We aim to target, with enforcement action, any premises that are associated with crime and disorder, threaten public safety, generate public nuisance or threaten the wellbeing of our children. This policy along with other local strategies and initiatives will be used to control the negative impacts that licensed premises can cause such as increased crime and noise.

## **Trafford Council Corporate Plan 2018-22**

**1.6** The Corporate Plan sets out the strategic vision and the Executive's overarching ambitions. It is a priority that Trafford has successful and thriving town centres. A key theme is creating pride in our local area; Trafford Council aims to achieve this by maintaining Trafford as the safest borough in Greater Manchester. An enabler of this vision is this Statement of Licensing policy which presents a sincere approach to partnership working, greater scope in terms of model conditions and supporting licensing strategies.

**1.7** The Licensing Authority has taken full account of the guidance issued by the Secretary of State under Section 182 of the Act. Consideration has also been given to the provisions of the European Convention on Human Rights, The Equality Act 2010 and the provisions of the Crime and Disorder Act 1998.

## 2.0 Purpose

2.1 The Act provides a clear focus on the promotion of four statutory licensing objectives. The Licensing Authority must have regard to these four objectives when undertaking its various licensing functions and must ensure that they are promoted. The four licensing objectives are:

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

Each objective is of equal importance and they are the only matters that the Licensing Authority is permitted to have regard to when making determination on licensing applications.

2.2 The Council, in adopting this licensing policy, recognises both the needs of residents for a safe, healthy and sustainable environment to live and work, and the importance of well-run entertainment premises to the local economy and vibrancy of the Borough. The Council is committed to partnership working with the Police, fire service, local businesses, licensing trade, local people and those involved in child protection towards the promotion of the common objectives as set out in this policy.

2.3 This policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions.
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough.
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions.

- 4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives.
- 5) To support decisions made by the Council when these decisions are challenged in a court of law.

**2.4** The Act has created a number of licensable activities for which it will be the responsibility of this Authority to accept applications, issue relevant licences and to enforce the requirements of the Act in relation to those activities, in line with the four licensing objectives. The licensable activities are:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment in the presence of an audience meaning:
  - Exhibition of film
  - Performance of plays
  - Indoor sporting events
  - Boxing or wrestling
  - Live music
  - Recorded Music
  - Performance of Dance
  - Anything of a similar description
  - The provision of late-night refreshment;
  - Any licensable activity provided on a temporary basis (Temporary Event Notices).

**2.3** The Act also requires the Council to consult various bodies before determining the policy. A list of those who were consulted about this policy is contained in **Appendix G**. Due consideration has been given to all those who responded.

## 3.0 Authority Profile

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

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

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

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

**3.5** Within Trafford Park there are a number of premises, including the Manchester International Freight Terminal, which is the first point of entry into the UK for food imports from Third Countries.

**3.6** Significant shopping areas in Trafford include the INTU Trafford Centre, the 2nd largest shopping centre in the UK, with more than 348,000sq.m. of shopping and leisure space, around 280 shops and more than 50 places to eat, employing over 8000 people, and accounting for 30 million visitors a year.

**3.7** There are also shopping centres in Altrincham, Sale, Urmston and at the Stretford Mall, and indoor and outdoor markets across the Borough.

**3.8** Trafford is also the home of Manchester United Football Club, Altrincham Football Club and Lancashire County Cricket Club (LCCC). In recent years the cricket club has been a major venue for concerts for major international artists with audiences of up to 50,000.



**3.9** Other major leisure venues include the Silver Blades Ice Rink in Altrincham Town Centre (home to the Manchester Phoenix ice hockey team), the Chill Factore (the UK's longest real snow indoor ski slope), the Airkix Indoor Skydiving Centre, the Imperial War Museum (North), Event City (the second largest exhibition space outside of London), the Sea Life Centre Aquarium at the Trafford Centre and 02 Victoria Warehouse.

**3.10** A number of commercial outlets in Trafford now offer licensable activities identified in the Act. In total there are 765 licensed premises in Trafford. This includes 228 shops/off licences and 154 in the category of pubs and clubs. As of the 1<sup>st</sup> April 2020, in Trafford there are 1973 restaurants and other caterers and 501 food retailers, a number of which provide late night refreshment.

## 4.0 Applications

4.1 When considering an application, the Licensing Authority will have regard to:

- The Licensing Act 2003 and relevant regulations;
- Government guidance issued under section 182 of the Licensing Act 2003;
- Any supporting regulations (as may be issued and/or amended by the Secretary of State from time to time); and
- This Statement of Licensing policy.

Applicants should also have regard to these documents when preparing their application.

4.2 Each application will be considered individually on its own merits. This policy does not undermine the rights of any person to make an application under the Act for a variety of permissions or the right of any person to make representations or seek a review of a licence or certificate where the Act permits this.

4.3 Without prejudice to the right of any person to submit an application at any time, applicants are encouraged to discuss their proposals in advance with the Police. It may be beneficial to draw on the experience of the Police in relation particularly to the prevention of crime and disorder. Whilst there is no obligation on the part of the applicant to accept any advice or proposed condition requested by the Police (any conditions must be proportionate and appropriate), it remains that should there be areas of agreement between the two parties a representation from the Police would be less likely and (in the absence of any other representations) would lead to a speedier determination of the licence application.

4.4 When making an application, applicants should have regard to the local area and reflect this in their operating schedule.

4.5 An application for a premises licence must be made in the prescribed form to the Council. The application must be accompanied by:

- the required fee;
- an operating schedule (see below);
- a plan of the premises in a prescribed form to which the application relates; and
- if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor.

4.6 Application will only be deemed to be 'received' once all the required supporting information has been received

4.7 The operating schedule should ideally include a general description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers). It is also expected to indicate the type of entertainment available on the premises, whether licensable under the 2003 Act or not. This is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary at such premises for the protection of children from harm. For example, it is important that plans for regulated entertainment of an adult nature or with sexual content should be disclosed. An operating schedule must also set out the following details:

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

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

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

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

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

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- the Public Health Authority;

- The Council's Trading Standards Team
- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises are situated.

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

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

## Consultation

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

**4.13** As part of the consultation process, the Council may choose to consult with whoever appears appropriate to help it determine the application. Such interested parties may include: Councillors, persons living in the vicinity; bodies representing persons living in that vicinity; individuals involved in businesses in the vicinity; and bodies representing those persons involved in such businesses. In addition, these groups or organisations may themselves seek comments from others whom they know may wish to be aware of the application. These comments may in turn be passed on to the Council as part of the consultation process.

## Representations

**4.14** If no responsible authority makes a representation about an application and no interested party seeks to do so, then no hearing would be required and the application will be granted in the terms sought subject only to

conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act.

**4.15** Where a representation is made under the terms of the Act by any person there will be a preliminary stage at which the Council will consider whether the representation is relevant, and not vexatious or frivolous. If the Council decide it is not relevant, no hearing is required in relation to that representation and in the absence of representations from other parties or responsible authorities, the application must be granted. The aggrieved person whose representation is not regarded as “relevant” may challenge the licensing authority’s decision by way of judicial review.

## Public health representations

**4.16** Section 104 of the Police Reform and Social Responsibility Act 2011 amends the 2003 Act so as to include the Clinical Commissioning Group (CCG) Health and Wellbeing Board for the area as a responsible authority.

**4.17** As a responsible authority, the CCG can make representations in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates. In addition, the CCG may themselves seek a review of a premises licence. Any representation must be specific to the premises and cannot be a general objection.

**4.18** Representations should be evidence based and should demonstrably refer to one or more of the licensing objectives. As there is no licensing objective relating to public health, the CCG must ensure representations are relevant to one of the four existing objectives.

## Determination

**4.19** Where a representation is lodged by a responsible authority about a proposed operating schedule, the Council’s discretion will be engaged. It is also engaged if any person makes relevant representations to the Council which are not frivolous or vexatious. A hearing will be required at which the disputing parties should be invited to present argument. The need for a hearing can only be dispensed with by the agreement of the Council, the applicant and all of the parties who made relevant representations. The hearing process must meet the requirements of the Regulations made under

the Act. The Council will seek to focus the hearing on the steps needed to promote the particular licensing objective which have given rise to the specific conflict and avoid straying into undisputed areas. In determining the application, the Council will give appropriate weight to:

- the argument and evidence presented by all parties;
- the guidance issued by the Secretary of State under Section 182 of the Act;
- this policy;
- the steps that are necessary to promote the licensing objectives.

**4.20** The Council will give its determination with reasons provided to support the determination. After considering all the relevant issues, it will be open to the Council to grant the application subject to such conditions that are consistent with the operating schedule, and these can be modified to such an extent that the Council considers necessary for the promotion of the licensing objectives. Alternatively, the Council may refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

## Variations

**4.21** Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises what alternative steps he or she intends to take (if any) to promote the licensing objectives. The application for variation will enable the responsible authorities with expertise in licensing matters to consider whether the proposal is acceptable.

**4.22** Particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises.

## 5.0 Representations

**5.1** The Act describes two groups that may make representations to applications. These groups are “Responsible Authorities” and “Other Persons”.

**5.2** The meaning of ‘other persons’ is any individual, body, organisation, group, association or business who is, or is likely to be, affected by the operation of a licensed premises. Other persons do not need to live within the vicinity of the premises to make a representation. However, the Licensing Authority will consider the location of the person making the representation when deciding what weight to allocate to the representation.

**5.3** Any representation must be relevant, meaning that it must relate to one or more of the licensing objectives. All representations will be considered on their merits unless the authority deems that a representation is vexatious, frivolous or (in the case of a review) a repetition. In relation to applications for reviews a repetitious representation is one that is identical or substantially similar to grounds for review specified in an earlier application for review made in respect of the same premises that has already been determined by the Council.

**5.4** Any representation must be received within the prescribed consultation period allocated to an application (28 days for new, variation and review applications). Any representations not received within the specified time will be invalidated and returned. It is the responsibility of the person making the representation to ensure that their representation is received on time. Representations may be hand delivered in writing to the Trafford Town Hall, posted to the Town Hall or sent by email to [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk) . Trafford Council are unable to accept verbal representations over the telephone.

**5.5** Copies of representations, including the name and address details of the person making the representation will be sent to the applicant. We are unable to accept anonymous representations. Telephone or email details will not be shared with the applicant unless agreed with the person who submitted representation has expressively given their consent for this information to be released.



## Petitions

5.6 It should also be made clear that the lead petitioner is expected to speak on the behalf of all petitioners at any hearing - if a person signing the petition would also like to raise their own representation, then this individual method is an option for them to guarantee their right to make oral representation and raise whatever issues affect them directly.

5.7 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:

- We ask that the instigator of the petition identifies themselves as a central point of contact.
- We may need to make contact in order to verify certain matters and if we are unable to do this it could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses must be supplied.
- The petition must make clear the premises/application to which it relates
- The petition must relate to one or more of the licensing objectives
- Petitions regarding the Licensing Act 2003 must be submitted in accordance with Trafford Council's procedures on representations to the offices of the Licensing team at Trafford Town Hall, Talbot Road, Stretford M32 0TH and within the statutory consultation time limit.
- Representations will not be accepted if they are libellous, slanderous, racist or of an unacceptable nature.
- Representations relating to the impact of new businesses on existing trade cannot be taken into account.
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.
- We will not write to each signatory separately, but instead assume that the instigator will advise each signatory of the hearing date and the final outcome of the application. It is expected that the instigator will represent the signatories at the hearing and to speak for them.

## 6.0 Determining Applications

### Licensing objectives

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

The Licensing Objectives are:

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

Each objective is of equal importance.

### Premises licences

6.2 When determining applications, the Council will take into account the operating schedule submitted by the applicant, the suitability of the premises for the intended use, any cumulative impact policy which may be in effect and any representations received as a result of the consultation process.

6.3 When considering any application, the licensing Authority will so far as possible avoid duplication with other regulatory regimes and does not intend to use the Licensing Act to achieve outcomes that can be achieved by other legislation.

6.4 In particular the licensing functions will be carried out separately from the Council's functions as the Planning Authority. However, it will normally be expected that applications for premises licences in respect of permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned (other permissions, such as permission of the premises owner, may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where appropriate).

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

- Crime and Disorder Act 1998 in particular Section 17
- The Health & Safety at Work Act etc. 1974
- The Environmental Protection Act 1990 (as amended)
- The Regulatory Reform (Fire Safety) Order 2004
- The Equalities Act 2010
- Human Rights Act 1998
- Safety of Sports Grounds Act 1975
- Town and Country Planning Act 1990
- Planning & Compulsory Purchase Act 2004
- Police Reform Act 2000
- The Police and Crime Act 2009
- The Anti-Social Behaviour, Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- Health Act 2006

6.6 The licensing process can only seek to control those measures within the control of the licensee, and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:

- matters within the control of individual licensees and others who are granted any relevant authorisations;
- the premises and places being used for licensable activities and their vicinity; and
- the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

## Public health

6.7 The licensing authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003.

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

6.9 Applications relating to premises will be made by a person who is, or who proposes to be carrying on the business involving the use of the premises. A person can include a company. All applications for licences and variations of licences are subject to a consultation process, the following will be consulted:

- Responsible Authorities
- Ward Councillors;
- Ward Councillors of adjoining wards if premises are adjacent to ward boundaries
- Neighbouring Boroughs should the premises be adjacent to a Borough boundary;
- Appropriate Council departments;
- Any other group the Council considers appropriate;

6.10 The applicant for any premises licence is responsible for placing an advertisement at the premises and in a local newspaper, the Council will advertise the application on the Council website. The law requires that the notice on the premises must be on pale blue paper of at least A4 in size, the writing must be of font size 16 or equivalent and that it must be clearly visible from the outside of the premises. The newspaper advertisement must appear in a local newspaper circulating in the area within 10 working days starting on

the day after submission of the application to this authority. At the end of the consultation process, the application will be determined. If no representations have been made, then an officer of the Council will determine the application under delegated authority and the licence will be granted in line with the application and operating schedule. If there are representations, the application will be determined by the Licensing Sub-Committee. The Council may consider representations based on the impact of the promotion of the licensing objectives in the Borough generally, and on the grant of the particular application before them.

**6.11** Where representations are made to a particular application, either from a responsible authority about a proposed operating schedule or from an “other person” that relates to the licensing objectives, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.

**6.12** In all cases, applicants and those making representation in respect of applications made to the licensing authority have a right of appeal to the Magistrates’ Court against the decisions of the Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the licensing authority.

**6.13** Guidance is available for applicants, which sets out the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures. It should be noted that incomplete applications will not be accepted but will be returned with an explanation as to why it is incomplete.

**6.14** Guidance is equally available for those wishing to make representation or to call a review of an existing licence.

## **Minor variations**

**6.15** Minor variations will be considered in respect of minor changes to the plan, structure or layout of a premises, small changes to licensing hours, the removal or addition of conditions where appropriate, the removal or addition of licensable activities to the scope of the licence (where permitted by legislation) and any other minor matter where it is considered that the

application does not adversely impact on one or more of the licensing objectives.

**6.16** A simplified process will be adopted for minor variations. The licensing authority will consult with any relevant responsible authority that it deems appropriate (if any) and any representations from them will be considered. Whilst each application will be considered on its individual merits, it will be normal practice to refuse an application for a minor variation in favour of a full variation should any representations be received, unless agreement can be reached which satisfies the representation. In the absence of any representation the minor variation would normally be granted provided that there is no likelihood of any adverse effect on the licensing objectives.

## 7.0 Promoting the Four Licensing Objectives

7.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence will be required to provide a fully completed, detailed operating schedule. This schedule will be in the prescribed format. By completing this operating schedule, applicants will demonstrate that they have considered strategies that will lead to fulfilment of the licensing objectives. The schedule will contain the following information:

- The licensable activities to be conducted on the premises
- The times during which these activities will take place (including any differing times during holiday periods or during particular seasons if it is likely that times would be different);
- Any other times when the premises will be open to the public;
- If alcohol is to be supplied for consumption on the premises, the name and address of the designated premises supervisor;
- Whether alcohol will be supplied for consumption on or off the premises;
- What steps the applicant will take to promote the four licensing objectives;
- Any other details set out from time to time in regulations issued by the Secretary of State.

7.2 In respect of each of the four licensing objectives, applicants will be expected to provide evidence to the licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended, or is likely to attract larger audiences.

7.3 The most appropriate means for an applicant to assess what measures are needed to promote the licensing objectives would be by completion of a risk assessment. The operating schedule forms the basis of any conditions placed on any licence issued. It also provides valuable information to responsible authorities and other persons to assist in their assessment of the

impact of any licensed activity on the licensing objectives and provides information as to how the applicant will address these issues. It could therefore, form the basis of any decision to submit representation against the application. For this reason, although the Licensing Authority recognise that a risk assessment cannot be demanded (other than where required by other legislation) it would be in the applicants interest to provide the fullest possible detail in the operating schedule, for which a full risk assessment would provide confirmation that the applicant has seriously considered the issues and is aware of his/her duty to promote the licensing objectives at all times, but more importantly is aware of how this may be best achieved.

**7.4** One example of where a risk assessment is required under separate legislation is under the Regulatory Reform (Fire Safety) Order 2005, which requires that a fire safety risk assessment must be recorded and made available for inspection. The fire service would normally expect this information to be made available on application for a premises licence.

**7.5** Applicants have primary responsibility for their own particular premises and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

**7.6** Guidance is offered below as to possible control measures, which may assist applicants in formulating their operating schedule. Given the earlier acknowledgement of the numbers of different types of premises, it should be noted that these measures are by no means to be considered an exhaustive list. Many control measures achieve more than one objective but have not necessarily been repeated under each objective. Similarly, applicants will not be expected to list a control measure more than once in their operating schedule.

**7.7** Additional measures may need to be considered on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended or likely to attract a larger audience, or audiences of a different nature, which may have significant impact on the achievement of the licensing objectives. Where applicable, reference must be made in an applicant's operating schedule to such occasions, which should highlight the



additional measures that are planned in order to achieve the licensing objectives.

**7.8** The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered and addressed within an applicant's operating schedule.

## Capacity

**7.9** Whilst it is acknowledged that the setting of occupancy limits for a premises is not a requirement, this is considered to be an essential factor in effective achievement of the licensing objectives in relation to premises other than those licensed primarily for the consumption or sale of food and for sale of alcohol for consumption 'off' the premises. In relation therefore to relevant premises operating on the basis of selling alcohol for consumption 'on' the premises and/or providing a high level of regulated entertainment and for specific types of occasional events, the Licensing Authority will expect that the issue of occupancy capacity is considered and, where appropriate, addressed. Within the operating schedule and in appropriate instances a voluntary maximum occupancy capacity would be considered 'good practice'.

**7.10** When determining capacity in line with above, important factors would include the design and layout of the premises and the size and number of exits within recommended travel distances. Other factors to be considered could include:

- The nature of the premises or event;
- The nature of the licensable activities being provided;
- The provision or removal of such items as temporary structures, such as stages or furniture;
- The number of staff available to supervise customers both ordinarily and in the event of an emergency;
- The usual average age of customers
- The attendance by customers with disabilities, or whose first language is not English;
- Availability of suitable and sufficient sanitary accommodation; and

- The nature and provision of facilities for ventilation.

7.11 The agreement to a capacity for a premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded. Equally this does not remove the requirement for the applicant to consider the use of door staff or for a responsible authority to make representation to that issue on the basis of fact and in appropriate and proportionate circumstances. In such cases if agreement cannot be reached between applicant and the responsible authority concerned, the matter would be determined by members of the licensing panel, who would assess the individual circumstances of the matter based on its individual merits.

## 8.0 Prevention of Crime and Disorder

**8.1** Trafford Council is committed to further reducing crime and disorder within Trafford and helping people feel safe. 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, and variations of conditions.

**8.2** The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. 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 reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

**8.3** Particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises.

**8.4** When addressing the issue of crime and disorder, the applicant should be able to demonstrate that those factors that impact on crime and disorder have been considered. These factors include:

- Underage drinking;
- Drunkenness on the premises;
- Public drunkenness;
- Drugs;
- Violent behaviour;
- and Anti-social behaviour.

**8.5** Examples of control measures are highlighted below, to assist applicants, who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of the premises; 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;

- Training and supervision of staff; 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;
- Adoption of best practice guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice, including those relating to drinks promotions);
- Acceptance of accredited 'proof of age' cards e.g. PASS and/or passports and photographic drivers' licences;
- Incident and refusal books kept and maintained on the premises;
- Membership of the "Reducing the Strength" scheme;
- Provision of effective CCTV in and around the premises;
- Employment of Security Industry Agency (SIA) door staff;
- Provision of polycarbonate drinking vessels;
- Provision of secure deposit boxes for confiscated items ('sin bins') such as drugs weapons etc;
- Provision of security measures such as outside lighting; and
- Membership of local 'pubwatch' schemes or similar;
- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.

**8.6** 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 midnight) or in premises with a history of crime and disorder issues.

**8.7** 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 any 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.

**8.8** In addition, in 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.

**8.9** All premises applying for licensing beyond midnight 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.

**8.10** 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.

**8.11** 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.

**8.12** 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.

**8.13** 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.

**8.14** 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 £20.00" or time limited price promotions) encourage significant alcohol intake within short periods of time ('binge drinking'), and the Council may consider, where relevant representations have been made, imposing special conditions. If such promotions are permitted, they should be held in accordance with the mandatory conditions which prohibit irresponsible promotions.

**8.15** 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

**8.16** 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.

**8.17** 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.

**8.18** The Council will work closely with the Police to review the licences of premises where a Police Closure Notice has been served.

**8.19** Off Licences, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as an easy premises from where to acquire alcohol. Such premises can contribute to antisocial behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.

**8.20** It is important that members of staff working at off licences are suitably trained in their responsibilities under the Act and can discharge their duties in

full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where appropriate. The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- The likelihood of any violence, public order, disorder or policing problem if the licence is granted;
- The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control;
- Past conduct and prior history of complaints against the premises;
- Whether a dispersal policy has been prepared to minimize the potential for disorder as customers leave the premises; and
- Any relevant representations.

**8.21** It is recommended that applicants discuss the crime prevention procedures in their premises with the Greater Manchester Police Licensing Constable and Trafford Council's Licensing Officer before making a formal application.

**8.22** The Licensing Authority is aware of the link between the supply of discounted alcohol and incidents of alcohol related disorder as well as the impact that excessive consumption of alcohol or binge drinking can have on public health and will consider whether any additional measures or restrictions can be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'.

**8.23** Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder; keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.



- Where door supervisors conducting security activities are to be a condition of a licence, conditions may also be needed to deal with the number of supervisors required, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

**8.24** The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

**8.25** It may be appropriate at some premises for notices to be displayed that warn customers of the prevalence of crime that may target them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed that advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

**8.26** This authority supports the national Pubwatch scheme. Such schemes are voluntary (unless there is a specific licence condition that makes membership obligatory) as they are organised by licence holders themselves to share good practice and intelligence information, thus promoting due diligence.

**8.27** 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

**8.28** 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 stadium**

**8.29** 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.

**8.30** 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.

**8.31** 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.

**8.32** 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.

## 9.0 Public Safety

**9.1** Trafford Council is committed to ensuring as far as practicably possible that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

**9.2** 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.

**9.3** When addressing the licensing objective of public safety, an applicant will be expected to demonstrate that those factors that impact upon the standards of public safety have been considered. These may include:

- 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 another type of 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 occupancy capacity of the premises, meaning 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 hours of operation (differentiating the hours of opening from the hours during which licensable activities are conducted, if different);
- 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.
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.

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.

**9.4** 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.

**9.5** 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.

**9.6** 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.

**9.7** 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.

**9.8** The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments;
- Effective and responsible management of the premises;
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and its patrons;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and its patrons;
- Adoption of best practice guidance;
- Provision of effective CCTV in and around the premises;
- Provision of polycarbonate drinking vessels;
- Implementation of crowd management measures; and
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

**9.9** It should be noted that in the context of promoting public safety, this relates to the physical safety of those using the premises and not public health, although there may be an incidental public health effect from some conditions designed to promote public safety.

**9.10** It should be noted that conditions relating to public safety should be those that are appropriate, in the particular circumstances of any individual premises or club premises and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures appropriately to avoid and control these risks. Conditions enforcing those requirements would therefore be inappropriate.

**9.11** Fire safety guides are available to assist with the completion of operating schedules and may be found at:

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

**9.12** The significant findings of a Fire Risk assessment would consist of:

- A list of the fire hazards as identified by the risk assessment;
- The control measures put in place to remove or mitigate the hazards presented;
- Details of the persons affected by the hazards within the premises;
- Details of the actions to be taken in the event of a fire or the actuation of a fire alarm (emergency plan);
- Individual roles and responsibilities.

**9.13** Glasses containing drinks may be used as weapons during incidents of disorder and in un-toughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring the use of polycarbonate (or similar) containers where considered appropriate. Location

and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of polycarbonate containers during the televising of live sporting events, such as international football matches or “high risk” matches, when high states of excitement and emotion fuelled by alcohol might arise, may be an appropriate condition. It should be noted that the use of polycarbonate or paper drinks containers may also be relevant as measures appropriate to promote public safety.

**9.14** Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be appropriate to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered appropriate, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

## Medical resource

**9.15** The applicant should complete a risk assessment as to the type and amount of medical provision is required for their event. Assistance can be taken from the Purple Guide; the expectation of the Licensing Authority is that medical resourcing matches the formula given in the Purple Guide as a minimum. Sufficient reasons would need to be given to depart from this position.

**9.16** The Licensing Authority expects exclusive medical provision for events with capacity over 1,000 such as boxing, concerts, festivals, DJ sets, sports events, live-streamed sports events for example in a fan zone. ‘Exclusive medical provision’ means that those designated with roles under a Medical Resource Risk Assessment are not given any other roles or duties other than their assigned tasks relating to medical support.

## 10.0 Prevention of Public Nuisance

**10.1** Licensed premises have a significant potential to adversely impact upon communities through public nuisances that arise from their operation. This Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of a licensed premise whilst balancing this with the recognition of the valuable cultural, social and economic importance that such premises provide.

**10.2** It is the intention of this Authority to interpret 'public nuisance' in its widest sense, 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.

**10.3** It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions of the Licensing Act 2003 enable a police constable or council officer to close down licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

**10.4** It should be clear to applicants that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received.

**10.5** 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 prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

**10.6** When addressing the issue of the prevention of public nuisance, the applicant must demonstrate to the licensing authority that those factors,



which impact upon the likelihood of public nuisance, have been considered. These may include:

- The location of the premises and its proximity to residential and other noise sensitive premises such as hospitals, hospices and places of worship;
- The hours of opening, particularly between 23.00 hours and 07.00 hours;
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside
- or outside the premises;
- The design and layout of the premises and in particular the presence of noise limiting features;
- The occupancy capacity of the premises;
- The availability of public transport;
- 'Wind down period' between the end of licensable activities and the closure of the premises;
- Last time of admission;
- 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
- Fly posting;

- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics;
- Any concerns / representations raised by a Responsible Authority such as the Pollution Control Authority, Licensing Authority or Greater Manchester Police.

**10.7** The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly;
- Control of operating hours for all or parts (e.g. Gardens) of the premises, including such matters as deliveries;
- Adoption of best practice guidance;
- Installation of sound proofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However, nuisance can arise at any time of the day or night;
- Liaison with public transport providers;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- Siting of external lighting, including security lighting;
- Management arrangements for the collection and disposal of litter;
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- The generation of odour, e.g. from the preparation of food;
- Provision of details pertaining to local taxi or private hire companies; and
- Effective ventilation systems to prevent nuisance from odour.

**10.8** Noise may often be created by patrons and/or their modes of transport arriving and leaving licensed premises, or from machinery or vehicles belonging to the licence holder's business, refuse collection and deliveries. Discarding of wrappers, bottles, cans and general litter may also present problems in relation to particular premises. Whilst not in themselves a licensable activity, there may be occasion (such as in residential areas) where these factors are taken into account as part of the determination process and conditions may be imposed.

**10.9** Following implementation of the Health Act, no person is permitted to smoke inside any substantially enclosed licensed premises (subject to the provisions of the Health Act) and as such is required to smoke outside. The Licensing Authority will consider any representation relating to noise, antisocial behaviour or smoke drift associated with this activity in relation to any licensed premises and will consider any appropriate and proportionate conditions on an individual basis.

**10.10** In order to prevent breaches of the Health Act 2006, the Licensing Authority may attach conditions to a premises licence to restrict the sale of tobacco, shisha tobacco and shisha pipes at certain premises.

**10.11** 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.

**10.12** 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.

**10.13** 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.

**10.14** 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.

**10.15** 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.

**10.16** 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.

## 11.0 Protection of Children from Harm

**11.1** 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.

**11.2** It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, inappropriate.

**11.3** Within this objective is included the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, transmission of programmes or videos or provision of certain other types of regulated entertainment, this includes the protection of children from exposure to strong language and sexual expletives. There are certain circumstances where children are more vulnerable with their needs therefore, requiring special consideration. Such circumstances would include striptease, lap, table or pole dancing, performances involving feigned violence, feigned or actual sexual acts or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example and the unpredictability of their age and the lack of understanding of danger.

**11.4** Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

**11.5** When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give rise to particular concern to the licensing authority in respect of children are:

- Where entertainment or services of an adult or sexual nature are provided;
- Where there have been convictions, warnings, notices or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
- With a known association for drug taking or dealing;
- Where there is a strong element of gambling on the premises; and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- There have been representations from police, the local Safeguarding Children Board, trading standards, Police, Licensing Authority or any other responsible authority, or relevant agency / representative.

**11.6** The following are examples of possible control measures, although are not exhaustive and not relevant in all cases. They are considered however, to be amongst the most essential measures that applicants should take account of in their operating schedule, having regard to their particular type of premises and /or activities:

- Effective and responsible management of premises;
- Provision of a sufficient number of people employed or engaged to secure protection of children from harm;
- Appropriate instruction, training and supervision of those employed or engaged to secure protection of children from harm;
- Staff attendance at an Age Verification training scheme;
- Adoption of best practice guidance;
- Limitations on the hours when children may be present in all parts of the premises;

- Limitations or exclusions by age when certain activities are taking place;
- Imposition of requirements for children to be accompanied by adults;
- Acceptance of accredited proof of age schemes such as “Challenge 25” or photographic identification such as passports and photo-card driving licences;
- Refusals books to record all refused sales of alcohol to those who are presumed to be underage;
- Measures to ensure children do not purchase, acquire or consume alcohol; and
- Measures to ensure children are not exposed to violence or disorder.
- 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.

**11.7** 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.

**11.8** 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.

**11.9** 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:

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

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

- convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;

- a known association with, or inadequate arrangements to deter, drug taking or dealing;
- a strong element of gambling on the premises;
- entertainment of an adult or sexual nature is commonly provided;
- inadequate arrangements to protect children from the supply and use of other products which it is illegal to supply to children;
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

**11.11** 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:

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

**11.12** No conditions will be imposed to the effect that children must be admitted to licensed premises.

**11.13** Licensees of all premises supplying alcohol are encouraged to adopt a policy of requiring proof of age where there is any doubt about the age of any person attempting to purchase alcohol, accepting such documents as passports, driving licences and accredited proof of age schemes such as PASS or similar schemes. Licensees are also encouraged to display prominently signs displaying information that under 18's will not be served alcohol and that those who appear under 25 will be asked to prove their age.

**11.14** The Council's Trading Standards Team investigate all complaints or allegations regarding the under-age sale of alcohol and conduct intelligence led test purchase enforcement operations as appropriate.

**11.15** The Council requires all operators of cinemas to comply with the classification systems for films administered by the British Board of film

Classification and to ensure that procedures are in place to achieve compliance with the age classification system in existence at any time. The Council accepts the BBFC classification.

**11.16** 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.

**11.17** 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.

**11.18** The Council will expect that licensees ensure that any age restrictions for cinema exhibitions are properly complied with.

**11.19** 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**

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

**11.21** 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.

**11.22** The Council will expect the premises to provide sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

## Tackling child sexual exploitation

**11.23** Alcohol is often a factor in Child Sexual Exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.

**11.24** The licensing authority encourages licence holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime
- To raise the awareness of their staff about child sexual exploitation and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.

**11.25** The risks vary depending on the style and character of the business, but premises can be involved in the following ways:

- If an adult venue (night clubs or sex entertainment venue) is frequented by underage customers, this can attract perpetrators; or if a premises (or event) hosts under 18 events or mixed age activities;
- Where underage drinking takes place, children and young people are vulnerable as their judgement is impaired;
- There is a risk of CSE at premises where goods or services can be offered in exchange for sexual favours (such as free food, transport, drinks, cigarettes, or free access to a venue). This can happen if a perpetrator is employed there (or works voluntarily) and has regular or private contact with children;
- Children and young people are vulnerable in areas of premises that are not monitored (such as toilets, beer gardens);
- Risk may present if information technology is in use at a premises (internet, mobile phones/cameras/video recorders);
- Premises providing facilities for private parties, private dancing/entertainment booths or overnight accommodation may be vulnerable to child sexual exploitation.

**11.26** Nevertheless, the licensing authority has taken account of the view of the Government that the use of licensed premises by children should be encouraged where appropriate.

**11.27** 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.

**11.28** Under the Licensing Act 2003, the 'due diligence' defence can be used to protect your business, if you can demonstrate that all reasonable steps have been taken to manage risk. Here are some suggested safeguarding measures to help evidence 'due diligence' and keep children safe:

- Undertake a written children and young people's risk assessment and use it to inform your operating policy and staff training;
- Staff should be trained to recognise indicators of child sexual exploitation and know how to report concerns;
- Staff should be trained to operate an age verification scheme, know what types of identification are acceptable and to recognise signs of proxy purchase of alcohol;
- Staff training records should be maintained;
- Activity at the premises should be monitored (for example using CCTV or by regular patrols. Patrol records should be maintained);
- Suspicious activity should be reported to the police (including details such as vehicle registration numbers, description of individuals) and should be recorded in your incident log;
- If you, or your staff, are in a situation involving the supervision of a vulnerable young person at your premise, it is important to follow a consistent and auditable protocol;
- If you have a hot food delivery service enforce a code of conduct to promote good safeguarding practice when deliveries are made to unaccompanied children.

## 12.0 Sex Establishment Venues

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

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

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

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

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

## 13.0 Promotion of Other Strategies

### Reducing the strength

13.1 The Licensing authority intends to introduce a “Reduce the Strength” campaign. The campaign aims to restrict the availability of beer, lager and cider which has an ABV of 6% or above.

13.2 Businesses are encouraged to sign up to the scheme and promotional posters and window stickers can be obtained from the licensing team free of charge.

13.3 Applicants for new or variation applications which include a request to sell alcohol for consumption off the premises are encouraged to include membership of the scheme within their operating schedule. Details of the wording of a suitable condition can be viewed in local pool of licence conditions at **Appendix C**.

13.4 Where applicants do not propose membership of the scheme within their operating schedule and there is evidence of street drinking within the vicinity of the premises, the licensing sub-committee may, if appropriate, attach a condition prohibiting the sale of beer, lager or cider with an ABV equal to or exceeding 6%.

### Boxing

13.5 The rise in popularity of White-Collar Boxing has encouraged the Council to provide guidance on the Licensing Authorities expectations for any boxing promoters to consider as measures for their operating schedule.

13.6 The following is guidance for organisers of boxing events in the Trafford Council area regarding the issues that should be included in a risk assessment:

- Full contact details of the organisers and other parties involved in the event;
- The medical cover that will be provided at this event. Will there be a

Registered Doctor and a Paramedic will be provided as a minimum. Has the facility of providing an ambulance been considered for the event? The Council would prefer that an ambulance is provided;

- The medical checks that will be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.;
- How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category;
- Details of the ring set up and who will be carrying this out;
- The numbers of referees and judges taking part in the event;
- The type and weight of boxing gloves that will be used by the boxers and how these will be inspected;
- What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties;
- Details of the Personal Protective Equipment that will be worn by boxers;
- Actions that will be taken in an emergency and how parties will communicate;
- Site checks that will be completed prior to the event taking place.



## 14.0 Conditions

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

**14.2** Conditions will be attached to licences and certificates only where they are appropriate for the promotion of the licensing objectives.

**14.3** In addition to the original mandatory conditions imposed upon the introduction of the Act, Schedule 4 of the Policing and Crime Act 2009 amended the Act to give the Secretary of State the power to impose new mandatory licensing conditions in relation to the supply of alcohol under the authority of a premises licence or club premises certificate. All mandatory licensing conditions apply to all existing and future premises licences which authorise the sale or supply of alcohol. These conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale or supply of alcohol from the date that they come into force.

**14.4** The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licence or certificate holders risk assessment. This would be translated into the measures recorded in the operating schedule that it is proposed to take to promote the licensing objectives. The operating schedule must also set out the proposed hours of opening. The proposals will then be made available to expert bodies, who are the responsible authorities described in the 2003 Act, and by interested parties such as local residents.

**14.5** Licensing is concerned with the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make

objective judgements as to whether it may be appropriate to attach conditions to various authorisations to secure achievement of the licensing objectives.

**14.6** Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

**14.7** Should issues not be addressed within the operating schedule to the satisfaction of any responsible authority, resulting in representations being made, further appropriate conditions may be placed on licences. These conditions may be drawn from the local pool of model licensing conditions, see **Appendix C**, or may be specially formulated to be relevant to a particular situation. Conditions will only relate to matters which the licensee can be expected to control and will relate to the premises themselves, the immediate vicinity around the premises and will focus on the impact of those activities on those living, working or otherwise engaged in the area concerned. The licensing regime exists to ensure that licensed premises and events within the terms of the Act are regulated so that they are both safe and cause a minimum of disturbance.

**14.8** Conditions will only be placed on licences if they are considered appropriate to meet the licensing objectives. Duplication caused by licence conditions that are dealt with by means of other legislation, for example health and safety at work or fire safety, will be avoided. Conditions will only be attached to premises licences and club premises certificates that are appropriate for the promotion of the licensing objectives if not already provided for in other legislation. However, certain safety legislation includes exemptions because it is assumed that licensing controls will provide the appropriate coverage. In such cases conditions will be imposed that are considered appropriate.

**14.9** The Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour of individuals once beyond the direct control of the licensee of any premises concerned. However, it should be noted that the licensee bears a degree of responsibility for persons not only in but also around the immediate vicinity of the premise,

when those persons are either entering or exiting the licensed premise, or are loitering within the boundary of the premise.

**14.10** Other mechanisms may be utilised where appropriate to tackle unruly or unlawful behaviour of customers when beyond the control of the individual Public house, club or business that holds the licence, certificate or authorisation concerned. These include:

- Planning controls;
- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority;
- The provision of CCTV surveillance in and around the Borough, provision of public conveniences, street cleaning and litter patrols;
- Powers of the local authority or police to designate parts of the Borough as areas where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at such premises that is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Police and local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder, or noise emanating from the premises that is causing a nuisance; and
- The power of the police, other responsible authorities or local residents and businesses to seek a review of the licence or certificate in question.

**14.11** If an applicant volunteers a restriction or prohibition in their operating schedule or following a relevant representation, this will become a condition attached to any licence or certificate issued and will be enforceable as such. Where the responsible authorities and interested parties do not raise any representations about the proposals made to the Council, the Council will grant the licence or certificate subject only to conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions prescribed in the Act itself.

**14.12** The Licensing Authority recognises that all applications should be considered on their own merits and any conditions imposed must be tailored to that individual premises. This will avoid the implementation of disproportionate and burdensome conditions. Standard conditions other than mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be appropriate for the promotion of the licensing objectives. However, a condition whether volunteered or otherwise, must be measurable and as such the Licensing Authority may alter the wording of a condition to make it such (without changing the context of the condition) and will keep a bank of worded conditions that may be used in respect of a premises if and when such a condition is considered appropriate to meet one or more of the licensing objectives.

**14.13** In order to minimise disputes and the necessity for hearings, applicants are encouraged to consult with all responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.

**14.14** Conditions attached to licences and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.

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

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

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

premises used exclusively or primarily for the sale and consumption of alcohol.

## Mandatory conditions

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

## Model conditions

14.18 Standardised conditions will be avoided. However, the Licensing Authority has produced model conditions to provide a consistent approach for all parties by specifying appropriate conditions that could be included on any licence or certificate granted. This could be by the applicant in designing the operating schedule, by other parties in seeking to address concerns associated with the application, or ultimately, by the Licensing Authority when imposing conditions is considered appropriate for the promotion of the licensing objectives.

14.19 The model conditions are not an exhaustive list, and they do not restrict the ability of any party to suggest, or the Committee to impose, any condition they consider appropriate for the promotion of the licensing objectives. The set of model conditions is attached at **Appendix C**.

## 15.0 Strategic Links

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

### Tourism, culture and employment

15.2 The Council recognises that the entertainment/leisure industry is a major contributor to the economy and cultural development of the Borough. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer.

15.3 The Council has prepared a Tourism framework which forms part of the Economic Development Plan highlighting the importance of retaining and enhancing the range of quality hospitality venues (bars, restaurants, clubs) as well as conference and meeting venues in the Borough.

15.4 Hotels, restaurants, clubs, pubs, and entertainment are all elements which contribute to the effectiveness of a destination as a tourist centre. It is estimated that some 83% of tourist spending is upon accommodation, eating, drinking, shopping and entertainment.

15.5 Special events can raise the profile of an area, add animation and life to existing attractions; encourage repeat visits and encourage visitors to stay overnight. Research also indicates that a high proportion of ABC1's, with relatively high spending power, attend urban events and festivals. Hosting events also opens up the opportunity to attend events for local people who are unable for whatever reason to travel to attend such events.

15.6 As part of implementing the Council's cultural strategies, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, for the wider cultural benefit of communities (e.g. community involvement, social inclusion and cultural understanding). The potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children.

**15.7** In determining what conditions should be attached to licences and certificates, the Council will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature.

**15.8** The Council will monitor the impact of licensing on regulated entertainment, and particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be reversed. Care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events.

**15.9** Arrangements will be made for the Licensing Committee to receive, when appropriate, reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in their considerations.

**15.10** The Licensing Committee will also be kept apprised of the employment situation in the area and the need for new investment and employment where appropriate.

## **Crime and disorder**

**15.11** Under Section 17 of the Crime and Disorder Act 1998 the Council have a duty to consider crime and disorder reduction in the exercise of all its duties. The Licensing Act 2003 complements this duty for licensing authorities.

**15.12** Trafford's Crime and Disorder Strategy 2012-2015 Local Area Agreement and the Strategic Assessment establishes the framework for reducing crime and disorder in the Borough and is underpinned by 8 delivery plans. The delivery plans are for the reduction and prevention of:

- Robbery
- Harm Crime
- Domestic Abuse
- Theft of Pedal Cycle
- Vehicle Crime
- Burglary

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

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

## Alcohol

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

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

- The National Alcohol Harm Reduction Strategy for England;
- Other recognised codes of practice, including those relating to drinks' promotions, e.g. The Point of Sale Promotions published by the British Beer and Pub Association;
- The Greater Manchester Drug & Alcohol Strategy;
- Public Places Prohibition of Drinking Orders.

Such policies will also be relevant when considering relevant representations.



## Drugs

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

15.18 Guidance for club owners and promoters on safe clubbing can be found here [http://www.csdp.org/research/safer\\_clubbing\\_txt.pdf](http://www.csdp.org/research/safer_clubbing_txt.pdf)

## Anti-social behaviour

15.19 The Council maintains that licensing law is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

15.20 Once away from licensed premises, a minority of consumers will behave badly and unlawfully. The Council recognise that other mechanisms for addressing these issues exist both within and outside the licensing regime, for example:

- Planning controls which take into account possible disturbance to adjoining occupiers, particularly of residential accommodation;
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;

- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance; and
- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

**15.21** The Anti-Social Behaviour Act 2003 and the Violent Crime Reduction Act 2006 are designed to provide local authorities and the Police with a wider, more flexible range of powers to meet existing responsibilities and respond to the needs of their communities. The Anti-Social, Crime and Disorder Act 2014 was introduced to simplify powers available to the police and Local Authorities in relation to crime and anti-social behaviour.

## 16.0 Other Regulatory Systems

**16.1** Other statutory obligations which fall outside the requirements of the Licensing Act 2003 may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example, if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met, or if alcohol is sold the full weights and measures requirements are met. It would be expected that a licensee would have registered the premises as a food business with Trafford Council. Such registration is not a Licensing requirement however businesses are expected to comply with all relevant food safety and weights and measures legislation. Many of the specific licensing requirements relate to matters potentially affecting public safety.

**16.2** In addition to these licensing requirements there are wider duties on all business (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self-employed) as well as the public. Some of these duties are deliberately wide, generalised and all-encompassing e.g. main duties under Section 2, 3, & 4 of the Health & Safety at Work etc. Act 1974, others are very specific e.g. requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are absolute under law and have to be complied with, without exception e.g. hoists and lifting equipment must be examined by a competent person at prescribed intervals. These Health & Safety duties tend to include all specific safety requirements under licensing requirements for the public on the premises and extend them to cover the safety of others e.g. staff, contractors, passers-by etc. There is considerable overlap between the licensing regime and the wider health & safety regimes.

**16.3** The Licensing Authority will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation of this policy and individual applications.

## Planning control

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

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

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

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

**16.6** When applying for planning permission the Council, as local planning authority, will consider the potential impacts and benefits of the proposed use within the context of the local development plan and relevant Government guidance and other material planning considerations.

**16.7** In circumstances where any restriction has been placed on the use of premises (through the imposition of planning conditions) prior to an

application being made for a licence, certificate or provisional statement, consideration will be given to the extent to which the application meets the overall licensing objectives and the policies contained within this statement.

**16.8** Where necessary, conditions will be attached to a certificate, licence or provisional statement in order to achieve the objectives of this policy. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system. The licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through planning processes, however there will be overlapping issues of interest i.e. disturbance, which will remain material considerations for planning purposes.

**16.9** The licensing committee will, where appropriate, provide reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the planning committee to have regard to such matters when taking its decisions but will also avoid any unnecessary duplication of controls.

## **Building control**

**16.10** Building Regulations govern a variety of issues, which will directly contribute to the licensing objectives, including means of escape, structural integrity, accessibility and public safety. “Approved Inspectors” offer a private sector alternative to local authority Building Control services.

**16.11** Building Regulations Approval and Completion Certificates will be required prior to the commencement of the use of premises for licensable activities.

## **Health and safety at work**

**16.12** The Health and Safety at Work etc. Act 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on, and in other cases the Health and Safety Executive is responsible.

**16.13** Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation.

**16.14** The general duties under health and safety legislation (for example, to undertake a suitable and sufficient risk assessment) may not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment. It is only where additional and supplementary measures are 'appropriate' for the promotion of the licensing objectives that conditions will need to be attached to a licence. Conditions will not be set which duplicate other requirements of the law.

## Statutory nuisance

**16.15** The Environmental Protection Act 1990 places a duty on local authorities to investigate complaints of nuisance (for example, noise), and take enforcement action where a statutory nuisance exists. The Licensing Act provides the power for the Police to close licensed premises (temporarily) to prevent nuisance to the public as a result of noise coming from the premises.

**16.16** The powers available to deal with noise nuisance have been extended by the Anti-Social Behaviour Act. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public or statutory nuisance.

## Fire precautions

**16.17** In determining the provision of appropriate Fire Safety standards for licensed premises, Greater Manchester and Rescue Fire Service (GMFS) Fire Safety Officers will take into account the suitability and sufficiency of the premises fire risk assessment that must be undertaken by the person. From the 1<sup>st</sup> October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will cease to have effect.

**16.18** There will be close co-operation between the Council and GMFS to ensure that the public is properly protected.

**16.19** Where Council inspections identify serious fire safety problems in premises which are subject to licence conditions which they cannot resolve easily or on which they require advice, they will contact the relevant Brigade Fire Safety Officer.

**16.20** Where the premises are a sports ground that is covered by the Safety at Sports Grounds Act 1975, as amended, or the Fire Safety and Safety of Places of Sport Act 1987 the enforcing authority will be the Local Authority which is also the Licensing Authority.

**16.21** It should be noted that under article 43 of the Fire Safety order any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities will not seek to impose fire safety conditions where the order applies.

**16.22** The exception to this is where the licensing authority and the enforcing authority for the fire safety order are one and the same body. For example, designated sports grounds and stands where the local authority enforces the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the licensing authority.

**16.23** The Fire Safety order covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.

**16.24** The responsibility for complying with the order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

## The Equality Act 2010

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

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

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

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

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

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



## Human Rights Act 1998

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

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

## The government's alcohol strategy

16.29 The Government has published an Alcohol Strategy in March 2012 for England which outlines how Authorities can address some of the Social Health and Crime & Disorder issues raised by the misuse of alcohol, particularly when the Licensing Authority is considering applications for any relevant licence made under the Licensing Act 2003. This strategy will be taken into account having regard to matters such as irresponsible drinking and reducing the availability of cheap alcohol etc.

## Government & police guidance for clubs and other licensed premises

16.30 For premises which may have problems with drugs, crime and disorder and/or are open late the Council will refer to the guidance given and will expect applicants in their operating schedules to use the strategies outlined in the Home Office Drug Strategy booklet - Safer Clubbing (ISBN Number: 1840827807). Copies of this booklet can be obtained from the Drug Prevention Advisory Service at [www.drugs.gov.uk](http://www.drugs.gov.uk).

## 17.0 Cumulative Impact

**17.1** “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town centre of a large concentration of licensed premises in that part of the local authority licensing area. In certain circumstances the number, type and density of premises selling alcohol for consumption on the premises may be such that there are serious problems of nuisance and disorder arising or beginning to arise outside or some distance from licensed premises. It is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together is greater in these circumstances than the usual impact from customers of individual premises.

**17.2** Guidance issued under S182 of the Act allows Councils to adopt a special saturation policy in such circumstances and specifies the steps to be followed in considering whether to adopt a special saturation policy. These steps require: -

- identification of concern about crime and disorder or public nuisance;
- consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- consultation with those specified in section 5(3) of the 2003 Act (see paragraph 22.1 of this policy document);
- subject to that consultation, inclusion in the Licensing Policy of a special policy about future premises licence or club premises certificate applications from that area;
- publication of the special policy as part of the Licensing Policy.

**17.3** The effect of adopting a special saturation policy is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations in the area(s) identified by the special policy

will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the special policy issues in their operating schedules in order to rebut such a presumption.

**17.4** When such a special saturation policy is adopted, each application will still be considered properly and on their own individual merit, and licenses and certificates that are unlikely to add to the cumulative impact on the licensing objectives will be granted. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Council will consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. It will be for the Council to show that the grant of the application would undermine the promotion of one of the licensing objectives and if it would, that necessary conditions would be ineffective in preventing the problems involved.

**17.5** In considering such applications the Committee will have particular regard to:

- The occupancy figure for the proposed premises.
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises.
- Whether the proposed premises will act as a replacement for others in the Area that no longer have a licence.
- The proposed methods of management outlined in the applicant's operational plan.
- The proposed hours of operation.
- Transport provision for the Area.

**17.6** Special saturation policies will never be used as a ground for revoking an existing licence or certificate when relevant representations are received about problems at those premises. Nor will they be used to justify rejecting applications to vary an existing licence or certificate except where those modifications directly affect the issue of cumulative impact (as would be the case with an application to vary a licence with a view to increasing the

capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.

**17.7** A special saturation policy will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. This is because quotas have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

**17.8** A special saturation policy will not include provisions for a terminal hour in a particular area.

**17.9** Special saturation policies will be reviewed regularly (and at least every three years) to assess whether they are needed any longer or need expanding.

**17.10** A special policy will not be used to revoke an existing licence should a request for a review be received.

## **Special licensing policy**

**17.11** On review of the special licensing policy for Altrincham and Sale Town Centre areas. Evidence provided was not substantial enough to justify keeping such a policy and therefore this was removed by Trafford Council.

## 18.0 Late-Night Levy

**18.1** The Police Reform and Social Responsibility Act 2011 introduced the power for the Licensing Authority to charge a late-night levy (“the levy”) to all premises within its licensing area.

**18.2** The late night levy is a discretionary power allowing the Council to collect an annual fee from all licensed premises in the area that are authorised to sell alcohol between the hours of midnight and 6.00am as a means of raising a contribution towards the costs of policing the night time economy.

**18.3** As the powers are discretionary the Council, in its capacity as the Licensing Authority, must decide whether to introduce them; and in accordance with the 2011 Act in making that decision the Council must consider the cost of policing and other arrangements for reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6.00 am; and having regard to those costs, is there a desire to raise revenue to cover those costs.

**18.4** In considering whether there is a ‘desire’ to introduce the late-night levy, the Licensing Authority must take into account the views of Greater Manchester Police, the licence holders that will be affected by the levy and the residents of the borough.

**18.5** The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Greater Manchester Police.

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

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

## 19.0 Early Morning Alcohol Restriction Order (EMRO)

**19.1** The power to make, vary or revoke an Early Morning Alcohol Restriction Order (EMRO) is set out in section 172A to 172E of the Licensing Act 2003.

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

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

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

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

**19.6** At the time of writing this policy, the Licensing Authority has not had a request to consider introducing an EMRO. Should this change during the life of this policy then the designated procedure would be applied to determine if an EMRO is appropriate.

## 20.0 Personal Licences

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

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

**20.3** Provided an applicant has a qualification determined by the Home Office and does not have certain criminal convictions the Council must grant the licence.

**20.4** Applicants for personal licences are required to submit their application in accordance with the Licensing Act 2003 (personal licence) Regulations 2005, which requires that they submit two (passport style) photographs, one of which must be endorsed by a solicitor, notary, person of standing in the community or any other professional person, with a statement to verify the likeness to the applicant. A statement of criminal convictions and a basic disclosure certificate (or similar) which does not exceed 30 days since issue must also be submitted along with the original copy of the Level 2 certificate for personal licence holders.

**20.5** Where an applicant has a relevant conviction the Police may oppose the application. If an objection is lodged by the Police, a hearing of the Council's Licensing (Sub) Committee will be held. The Committee will consider carefully whether the grant of the licence is likely to compromise the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.

**20.6** The Council will normally refuse applications where there are recent "relevant offences" and will only grant the application if it is satisfied that there are exceptional and compelling reasons for doing so. If the Police do not

issue an objection notice and the application otherwise meets the requirements of the Act the Council must grant the licence.

**20.7** Where a Personal Licence holder is convicted by a court for a relevant offence, the Court will advise the Council accordingly. On receipt of such a notification, the Council will notify the Police and if they consider the continuance of the licence will prejudice crime and disorder objectives, they may issue an objection notice. In these circumstances, a hearing before the Licensing Committee will be held.

**20.8** In order for the sale of alcohol to take place, the Council would normally expect the premises licence holder to ensure that there are a sufficient number of personal licence holders at the premises when alcohol is being supplied or retailed. If a personal licence holder is not on the premises for any reason, the Council would expect provisions to be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.

**20.9** The Council will require one of the personal licence holders to be a Designated Premises Supervisor. The main purpose being to ensure that there is always one specified individual who can be readily identified at the premises in cases of emergency. Thus, it will be clear who is in charge of the day-to-day running of the business.

**20.10** Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Council will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.

**20.11** Personal licence holders must notify the licensing authority, as soon as practicably possible of any change of address and/or any relevant or foreign conviction.

**20.12** When authorising members of staff to sell alcohol on their behalf, whilst not a legal requirement, personal licence holders are advised that it may be considered good practice to issue such authorisation in writing and to keep a record of both the authorisation and any training that has been provided.



**20.13** Following deregulation, the ten-year validity period for a personal licence has now been repealed. Currently, a personal licence is valid indefinitely or until such a time as it is surrendered by the licence holder or suspended / revoked by a Magistrates' Court. Any person who currently holds a personal licence which displays an expiry date are advised to disregard this date. There is no need to return the licence to the licensing authority for the date to be removed.

## 21.0 Policy Consultation

21.1 In developing this policy the Council has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted have included those specified in section 5(3) and in paragraph 29 of Part 4 of Schedule 8 to the Act: -

- the chief officer of police;
- the fire authority;
- representatives of holders of existing licences;
- representatives of existing registered clubs;
- representatives of the local licensing trade;
- representatives of local businesses;
- representatives of local residents.

21.2 A full list of all those who were consulted in the development of this policy are listed in **Appendix G**.

## 22.0 Monitoring and Review of Licensing Policy

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

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

- Statistics of the several forms of licences;
- A breakdown of the number of licences determined by committee and under delegated powers;
- A breakdown of the outcome of any appeals;
- A breakdown of licences by reference to their terminal hour;
- An outline of enforcement activity undertaken;
- The outcome of any prosecutions;
- Details of any premises closed temporarily;
- Proposals to amend the licensing policy in the light of experience;
- Proposals to amend licensing practice in the light of experience;
- Any comments of the Licensing Forum.

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

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

**22.4** The special licensing policy on cumulative impact for Altrincham and Sale will be reviewed at an interval of 3 years.

## 23.0 Temporary Event Notices (TEN's)

**23.1** Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. Nevertheless, depending on the nature and location of such events, these can have serious crime and disorder and noise implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Council to work with them to identify and reduce the risk of crime and disorder and noise nuisance.

**23.2** The Council recommends that at least 28 days' notice be given to hold such events, to allow it to help organisers to plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.

**23.3** There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

**23.4** The most important aspects of the system of temporary event notices are that no permission is required for these events from the Council. In general, only the Police and Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only ever intervene itself if the limits on the number of notices that may be given in various circumstances, as outlined in the Act, would be exceeded.

**23.5** Many of those who give temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, those acting on behalf of charities, community and voluntary groups, schools, churches and hospitals all of which may stage public events to raise funds at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.

**23.6** In the event of a relevant representation from the Police and/or Environmental Health to a standard TEN the Council will hold a hearing not less than 24 hours before the event is due to take place. There is no right of hearing if an objection is lodged against a late TEN.

## 24.0 Larger Events

**24.1** For licensable events where the capacity exceeds 499 a premises licence will need to be applied for. A premises licence can be time limited so that it is only in effect for the duration of the event.

**24.2** Open air events may range from relatively small local events, like fairs, which may last for four or five days, to major pop festivals lasting one or more days. Despite the temporary duration of such major events, they can attract huge crowds of more than 100,000 people and the risks to public safety and to crime and disorder as well as public nuisance may be considerable. A temporary event likely to attract more than 499 people will require an application for a premises licence and will not be covered by the Temporary Event Notice provisions.

**24.3** It is recommended that the applicant make an initial approach to the local authority at least 6-9 months prior to the proposed event. This will allow the Council and the Emergency Services sufficient time to assist the organisers to plan their events safely. Many events will give rise to special considerations in respect of public safety and public nuisance. Operating schedules should therefore reflect an awareness of these matters. It is recommended that an application be made at least 3 months prior to the event in accordance with the recommendations of the guidance issued by the Core Cities Group. It is the responsibility of the organisers/promoters to satisfy the Council that they have met the standards outlined in the following relevant documents:

- The Event Safety Guide - A guide to health and safety and welfare at music and similar events (“The Purple Book”) available at <http://www.thepurpleguide.co.uk>
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Outdoor Events Model Application Form Document - District Surveyors Association in conjunction with the Core Cities Group. 2002

**24.4** Applications for large events will be scrutinised by the Safety Advisory Group (SAG) as well as the Licensing Authority. The SAG will consist of officers from Responsible Authorities such as the Police, Pollution Control, Food Safety, Fire Authority, and may include officers from other relevant departments and agencies such as the North West Ambulance Service, Transport for Greater Manchester, Highways (Amey) and Emergency Planning.

**24.5** The SAG allows officers to question applicants about the operation of their event to ensure it will be a “safe” event and will minimise disruption to traffic management and nuisance. The SAG will not determine licence applications but may recommend conditions be attached to a licence. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory event management plan for their event and to comply with any recommendations made by the group.

**24.6** Applicants may notify the SAG of an event or a proposed event that maybe organised in the future by emailing:

[EnvironmentalHealth@trafford.gov.uk](mailto:EnvironmentalHealth@trafford.gov.uk)

**24.7** For smaller events that do not require a full SAG meeting. The Council encourages the use of Multi-Agency Meetings. Please contact the Licensing Officer who can direct you on which route would be most suitable for your application.

**24.8** A representative of the Licensing Authority will be present at all SAG, Multi-Agency or Sports Ground Safety Meetings to help promote safe events in the Borough and direct partner agencies on the objectives of the Act, this statement of licensing policy and other published guidance or relevant legislation concerning licensed premises.

## 25.0 Enforcement

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

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

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

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

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

**25.5** The Council intends to establish enforcement protocols with Greater Manchester Police on enforcement issues to provide for efficient deployment of local authority staff and police officers who may be engaged in enforcing licensing law and the inspection of licensed premises. This joint partnership



approach is intended to prevent duplication of effort, maximise the potential for controlling crime and disorder at premises and to ensure compliance when relevant conditions are appropriate.

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

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

- The nature of the event eg. certain types of charitable event
- The impact/likely impact of the event eg. complaints of nuisance/disorder
- The safety measures in place to deal with any possible risks

## 26.0 Reviews

**26.1** At any stage, following the grant of a premises licence, a Responsible Authority or any other person, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

**26.2** A licence will be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Evasion of copyright in respect of pirated or unlicensed films and music;
- Underage purchase and consumption of alcohol;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Serious risks to children;
- Use of licensed premises for unlawful gaming and gambling;
- Use of licensed premises as a base for organised criminal activity;
- Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- Use of licensed premises for the sale of illicit tobacco, alcohol or goods;
- The use of licensed premises for the sale of stolen goods;
- Incidents of disorder;
- Instances of public nuisance where warnings have been disregarded;
- Serious risks to public safety which the management is unable or unwilling to correct;
- Frequently operating outside permitted hours or repeatedly breaching conditions (particularly those which have been attached by a licensing panel as a result of previous review hearing).

**26.3** In instances where a review meets the criteria of being particularly serious, the licensing panel will consider the strongest most appropriate action, including revocation in the first instance.

**26.4** At a review hearing the committee can make the following decisions:

- Modify the conditions of the premises licence;
- Exclude a licensable activity from the scope of the licence;
- Remove the designated premises supervisor;
- Suspend the licence for up to three months;
- Revoke the licence;
- Take no action at all.

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

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

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

## 27.0 Appeals

**27.1** Where an applicant is aggrieved by any decision or condition, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified in writing to confirm the decision. The 21 days is calculated from the date of the letter. The appeal application must be made to the Justices' Chief Executive of the Magistrates' Court.

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

On determining an appeal, the court may:

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

**27.4** In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 177.

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

## 28.0 Nudity and Adult Entertainment

**28.1** Whilst applicants are at liberty to make an application in respect of any type of licensable activity, including any form of regulated entertainment, there are certain types of entertainment where greater consideration and stronger controls may be appropriate. Such activities would certainly include any form of nudity and/or adult entertainment.

**28.2** There is provision within the application form under section 'N' to highlight 'any adult entertainment or services or other entertainment ancillary to the use of the premises that may give rise to concern in respect of children'. If confirmed in this box that no such entertainment is to take place, this will be entered as a condition on any licence issued. If no answer is given in box 'N' the situation is not as clear, this Authority has considered this matter and intends to treat such applications as below.

**28.3** It is essential that such activity although not automatically precluded should, if offered be adequately controlled. Therefore, for the avoidance of doubt and to avoid any circumventing of the law in this respect, when no answer is given in box 'N' in respect of applications that include regulated entertainment of any description, the sale of alcohol for consumption on the premises and/or late night refreshment, this will be treated as if there is to be no such activity and there will be a condition placed on the licence that no such activity or entertainment will be permitted.

**28.4** If a 'yes' answer is given in box 'N' the applicant will be expected to outline specifically the nature of the regulated entertainment and to address all potential issues in the operating schedule as well as proposing measures relevant to each of the licensing objectives in order to control the effects of the activity on all objectives but with particular regard to the protection of children from harm. Any licence issued will permit only those activities that have been specifically addressed in the application.

**28.5** This authority has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (LG (MP) 82) for the licensing of sex establishments including sexual entertainment venues (SEV's). A consequence of this is that 'regulated entertainment' under the Licensing Act

2003 will no longer include sexual entertainment as defined under the terms of (LG (MP) 82) and if such activities are to be offered a separate SEV licence will be required.

## 29.0 Authorisation

**29.1** The Designated Premises Supervisor in a premises that is concerned with the sale of alcohol whether in respect of 'off' sales or 'on' sales carries direct responsibility for all sales at any time within the licensed premises.

**29.2** There is currently no requirement (unless a specific condition on the premises licence, following a licensing sub-committee hearing or voluntary proposal in the operating schedule of the application) that the Designated Premises Supervisor or any other Personal Licence holder should be present at all or at any particular times. In the event of the absence of such authorised person(s) regardless of the length of absence, it is a requirement that authorisation must be passed down to those who sell alcohol at or from the premises. For the purpose of proof that such authorisation has been given and equally in order to show due diligence should such cause arise, it is strongly recommended that such authorisation should not be verbal, but given in writing to each person so authorised and that if required this should be available to be produced to any authorised officer upon request.

**29.3** In respect of a private members' club, where alcohol is supplied by or to the order of a member, there is no Designated Premises Supervisor or Personal Licence holder, however, any supply of alcohol by non-members or minors should be specifically authorised and again it is strongly recommended that such authorisation should be given in writing where appropriate.

## 30.0 Non-Standard Hours

**30.1** Since the implementation of the Licensing Act there have been many applications where it appears that the applicant requests a specified number of events where no dates or times are given e.g. 'on 12 occasions per year' or 'on one weekend per month' etc. Such events are not measurable and provide difficulty in assessing their impact upon the licensing objectives and hence in ascertaining what if any conditions are relevant.

**30.2** For the above reason applicants are advised that additional days should be clearly identified with dates and/or times which will allow proper consideration of their impact on the licensing objectives and permit their inclusion specifically on any licence issued.

**30.3** Although every application will be treated on its own merits, it will not be normal practice to accept applications with such ambiguous specifications. There exists a system of Temporary Event Notices to allow for the conduct of any unusual, 'one off' or unforeseen events.



## 31.0 Smoking - Health Act 2006

**31.1** From 01 July 2007 it is illegal to smoke in virtually all enclosed public places and workplaces in England. The ban includes offices, factories, shops, pubs, clubs, bars, restaurants and public transport.

**31.2** Businesses are required as from 1 July 2007 to display signs at entrances to premises. The signs are available from the department of health at [www.smokefreeengland.co.uk/stayinformed](http://www.smokefreeengland.co.uk/stayinformed) or by calling 0800 169 1697.

**31.3** A likely impact of the public places smoking restriction under the Health Act 2006 is that customers wishing to smoke may be attracted to premises that have 'beer gardens' or designated outside areas. There is likely therefore, to be more drinking outside of licensed premises. Although smoking is not a licensable activity, it may clearly at times be associated with a licensable activity i.e. sale of alcohol and may be viewed as an area which requires consideration of possible control measures in the interests of avoidance of public nuisance.

**31.4** There may be occasions where licensees are required (following representation or application for review) to control areas/hours for such activity and/or have conditions imposed upon their licence if this is deemed proportionate and appropriate in meeting one or more of the licensing objectives and in particular that of the prevention of public nuisance.

## 32.0 Licensing Hours

**32.1** The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement.

**32.2** The Council recognises the role that greater flexibility over licensing hours has played in the development of thriving and safe evening and night-time local economies, which are important for investment and employment locally and attractive to domestic and international tourists, providing customers with greater choice and flexibility.

**32.3** Licensing Authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. This licensing authority will not impose predetermined licensed opening hours. However, the Council is aware of problems within the borough which are attributed to the availability of alcohol both early in the morning and late at night. Applicants wishing to provide alcohol before 10am and after 10pm, regardless of where the premises is located in the borough, are expected to detail in their operating schedule how the early or late operation of their business will promote the licensing objectives. The licensing authority will give individual consideration to the merits of each application.

**32.4** This policy stresses the importance of compliance with measures detailed as conditions of a Premises Licence when the licence authorises hours before 10AM and after 10PM. Should a premises have a pattern of non-compliance with these measures or a pattern of other incidents then, on review, members of the sub-committee are encouraged to consider restricting the Premises Licence to the hours of 10:00hrs-22:00hrs.

**32.5** We acknowledge that the guidance issued under Section 182 of the Licensing Act 2003 states that Shops, stores and Supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

**32.6** This Licensing authority would define a “good reason” as an evidentially based representation from a responsible authority or other person which details problems in a particular area which are contrary to the promotion of the licensing objectives. In addition, evidence of street drinking, alcohol related antisocial behaviour, public nuisance and alcohol abuse will also be viewed as a “good reason” to depart from the guidance issued under section 182.

**32.7** The Council is aware of the increased risk of antisocial behaviour and public nuisance in areas close to public transport links (such as Metrolink stations, train stations, bus interchange or bus stops). Applicants will be expected to address this risk in their operating schedule, particularly if the proposal is to sell alcohol for consumption off the premises before 10am or after 10pm, or if the application is to licence a takeaway for late night refreshment.

**32.8** Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

**32.9** Restrictions might be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. Opening hours beyond midnight may be more likely to attract relevant representations and if the Council’s discretion is engaged it is possible conditions relating to opening hours may be imposed.

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

- Whether the premises is located in a predominantly commercial area
- The nature of the proposed activities to be provided at the premises

- Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
- Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents
- Whether the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance
- Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
- Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it
- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a responsible authority or interested party that identify the premises as a focus for disorder and disturbance.

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

public living, working or otherwise engaged in normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of “prevention of public nuisance”.

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

**32.13** 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. A Public Spaces Protection Order applies to the whole borough of Trafford; consideration should be given to measures which promote this crime reduction initiative. For example, alcohol to only being made available for sale alongside a food delivery or pre-ordered collection, and not readily available for consumption immediately outside or on a nearby street, bus stop or park bench.

**32.14** 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.

## 33.0 Administration, Exercise and Delegation of Functions

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

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

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

**33.4** Whilst contested licensing applications are quasi-judicial in nature the (Sub) Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing and are able to express their views openly and fairly.

**33.5** The (Sub) Committee will determine each case before it on its individual merits whilst taking into consideration the terms of this Policy document.

**33.6** In determining the application the Licensing Committee or Sub-Committee, will consider:

- (a) The case and evidence presented by all parties;
- (b) The promotion of the four licensing objectives;
- (c) Guidance issued by central Government;
- (d) The Council's own Statement of Licensing Policy.

**33.7** Where the (Sub) Committee determines that it is appropriate to attach conditions to a licence/certificate it will ensure that those conditions are directed towards preventing or minimising the impact of the activities taking place at the premises concerned on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

**33.11** All licence applications will be determined in accordance with the table in **Appendix D**.

## 34.0 The Role of Ward Councillors

**34.1** Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations in their own right. For example, ward councillors may apply for a review of a licence if problems at a specific premises which justify intervention are brought to their attention.

**34.2** Ward councillors are informed of all new applications and any application to vary a licence in their ward. Individual councillors may choose to consult with residents locally in addition to the statutory publication carried out by the applicant.

**34.3** Local residents and businesses may wish to contact their local ward councillors in respect of a licence application. Details on how to contact ward councillors may be obtained from the Council's website or by contacting the Licensing Officer.

**34.4** If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.

**34.5** Ward councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if:

- They have made a personal representation; or
- They have made a representation on behalf of local residents or businesses as 'community advocates'; or
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented by them at the hearing.



## 35.0 Application Consultation

**35.1** The aim of consultation is to provide the opportunity for other persons to be involved in the licensing process. The consultation procedure required for each type of application is prescribed within the Act and Regulations made thereunder.

**35.2** Applicants are required to advertise an application for the grant or variation of a Premises Licence or Club Premises Certificate and for an application for a Provisional Statement. For such applications the consultation required is: -

- Copies of the application must be received by the Responsible Authorities on the same day as the original application is received by the Local Authority.
- A blue coloured notice(s) must be displayed at the premises for the full 28-day consultation period. It must be clearly visible 24hrs a day and legible to passers-by. The notice must give a brief outline of the application including the regulated activities and the hours applied for.
- An advertisement must be placed in a local borough wide publication, within 10 working days of the application being received by the Licensing Authority. It is the responsibility of the applicant to forward evidence of the newspaper notice, its wording and its date of publication to the Licensing Authority.
- For 'minor' variations, there is no requirement for the applicant to send copies to the responsible authorities or for a newspaper notice and the premises notice need only be made on white paper and be displayed for 10 days, The Licensing Authority will advise the appropriate responsible authorities of the application.

**35.3** Applications for review of Premises Licence or Club Premises Certificate will be advertised by the Licensing Authority in accordance with Regulations. For ordinary review applications this will take the form of notices being displayed near to the premises for 28 days, and for 'summary' reviews notices being displayed for 7 working days.

**35.4** The Licensing Authority will make copies of applications available for inspection by the public.

## 36.0 Provisional Statements

**36.1** Applicants may need to apply for a Provisional Statement where premises are being constructed, extended or substantially changed structurally for the purpose of licensable activities.

**36.2** This Licensing Authority's Policy in relation to Provisional Statements is identical to that for Premises Licences. Before premises with a Provisional Statement may be used for licensable activities an application must be made and granted for a Premises Licence or Club Premises Certificate.

**36.3** If representations are received in respect of an application for a Provisional Statement, conditions may be imposed on the Provisional Statement in the same manner as if it was a Premises Licence or the application may be refused by the Licensing Authority.

## 37.0 Film Classification

**37.1** The admission of children to any film exhibition shall be restricted in accordance with the classification given to that film by the British Board of Film Classification (or the Licensing Authority). No person under the age of 18 shall be admitted to any film that has not been classified by the British Board of Film Classification (or the Licensing Authority).

**37.2** The Licensing Authority agrees with the recommendation of the Secretary of State that Licensing Authorities should not ordinarily duplicate the role of the British Board of Film Classification by choosing to re-classify films themselves. The classification recommended by the British Board of Film Classification for any film will be applied by this Licensing Authority unless there are exceptional reasons for this Licensing Authority to adopt the role of film classifier and classify or re-classify any particular film. The decision as to whether to classify or re-classify any particular film will be at the absolute discretion of this Licensing Authority.

**37.3** If the Licensing Authority is concerned about the classification given by the British Board of Film Classification to a particular film, it may give notice to the holders of premises licences that the film may not be exhibited until it has been viewed and classified by the Licensing Authority. In such circumstances the Licensing Authority will view and classify the film as a matter of urgency.

**37.4** Licence conditions may specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

**37.5** Where any video works are shown on premises with a licence (e.g. in pubs) they should be suitable for the age group of those persons present,

having regard to the official age classification of the work given by the British Board of Film Classification.

## **38.0 Suspension of Licences and Certificates for Non-Payment of Annual Fees**

**38.1** As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend Premises Licences and Club Premises Certificates if the holder of the relevant authorisation fails to pay their annual fee.

**38.2** However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.

**38.3** When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.

**38.4** A premises licence or certificate that has been suspended does not have effect. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.

**38.5** Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

## 39.0 Immigration Act 2016

**39.1** Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

**39.2** The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

**39.3** Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

**39.4** The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

**39.5** The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Greater Manchester Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late-night refreshment.



## 40.0 Other References & Guidance

40.1 Applicants are advised, prior to making an application, to have regard to the following documents (as appropriate to their premises and the activities that will be provided): -

- The current guidance provided on the Home Office, including the amended Guidance issued under Section 182 of the Licensing Act 2003
- Technical Standards for Places of Entertainment - available from the Licensing Team.
- Home Office: Safer Clubbing Guide
- LACORS/TSI Code of Practice on Test Purchasing
- Guidance issued by the Security Industry Authority in connection with door supervisors etc.
- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events' - HSG195
- Managing Crowds Safely HSE 2000 ISBN 07176-1834-X
- '5 Steps to Risk Assessment: Case Studies' HSE 1998 ISBN 0-7176-15804
- 'The Guide to Safety at Sports Grounds' SGSA ("The Green Guide")
- 'Safety Guidance for Street Arts, Carnivals, Processions and Large-Scale Outdoor Performances' Independent Street Arts Network (ISAN) available from:  
<http://www.streetartsnetwork.org.uk/pages/publications.htm>
- The Guidance issued by the Department of Communities and Local Government under the Regulatory Reform (Fire Safety) Order 2005. Website: [www.communities.gov.uk](http://www.communities.gov.uk)
- The Purple Guide to Health, Safety and Welfare at Music and Other Events ("The Purple Guide") <https://www.thepurpleguide.co.uk/>
- Trafford Strategic Safeguarding Partnership: Safeguarding and Safety Handbook, for Licensed Premises and Licensed Hackney Carriage and Private Hire Drivers.

## 41.0 Pre-Application Consultation Service

**41.1** We offer a pre-application consultation service to support your licensing application made under the Licensing Act 2003. The aim is to help you to anticipate and fix any problems which may arise during the application process.

**41.2** However, our advice cannot pre-judge the outcome of the licensing application, especially if representations are received and a hearing is scheduled to take place before a Licensing Sub-Committee.

The pre-application service will highlight common pitfalls and assist business owners through the licensing consultation process, in turn promoting a successful and thriving borough, creating pride in our local area; which forms part of the seven corporate priorities for Trafford Council.

**41.3** Our pre-application consultation service offers:

- Advice and assistance with completing application forms;
- Advice on appropriate conditions taking into account the type and style of the operation intended at the premises, its location and in consultation with the Council's Senior Licensing Officer;
- Advice on drawing up plans to accompany the application in accordance with the relevant regulations;
- Advice on nominating an appropriate Designated Premises Supervisor;
- Assistance with completing the statutory notices and advertisements
- On-site visits are available to ensure plans are compliant with regulations and the appropriate statutory notices are correctly on display;
- Advice on matters you may need to consider assessing possible noise transmission to neighbouring properties, dependent on the type of operation proposed for the premises;
- Advice on measures to promote the licensing objective of prevention of crime and disorder;
- Advice on age verification measures and protecting children from harm on licensed premises.

**41.4** Our current charges for this service are based on the application type. These fees may be subject to change as part of the Council's annual fees and charges review.

| Licensing Application | Consultation Service  | Price                              |
|-----------------------|---|------------------------------------|
| Small                 | <p>Up to 3 hours of officer time. For advice on the licensing process, guidance on plans, public notices and newspaper advertisements, licence conditions, completion of operating schedule and advice on the Live Music Act deregulation.</p> <p>Includes a face-to-face meeting at Trafford Town Hall but does not include any site visits.</p>         | <p>£157.50<br/>(includes VAT)</p>  |
| Medium                | <p>For advice where site visit is essential. Up to 6 hours of officer time. Includes meeting and site visit by the Senior Licensing Officer. For advice on the licensing process, guidance on plans, public notices and newspaper advertisements, licence conditions, completion of operating schedule and advice on the Live Music Act deregulation.</p> | <p>£394.50<br/>(includes VAT)</p>  |
| Large                 | <p>For applications which need considerable officer time of up to 15 hours. Includes multiple site visits and liaison with the Senior Licensing Officer, Environmental Health and Trading Standards, for events which would generally need to also go through the Safety Advisory Group process.</p>  | <p>£1342.50<br/>(includes VAT)</p> |

**41.5** The pre-application consultation service is tailored business advice provided other than under an existing Primary Authority Partnership. The fee for additional hours required for medium and large applications standard is at the rate of £79 per additional hour, which has been calculated and agreed across the Association of Greater Manchester Authorities (AGMA).

## Disclaimer

**41.6** With regard to any pre-application consultation, the written confirmation will state that pre-application consultation advice will not give applicants any exemptions from the licensing process. Responsible Authorities, including the Licensing Authority, Public Protection, Health & Safety, Trading Standards,

may still make a representation against the application and the case may still need to be heard at Licensing Sub-Committee for a decision to be made.

**41.7** The advice given will not include views from other responsible authorities such as the Police, Fire Authority, etc. Determining any application that is subject to representations will be the function of the Licensing Sub-Committee who will consider the application and the representations on its own merits and determine the application accordingly on the basis of whether it promotes the licensing objectives.

**41.8** The impartiality of the licensing officer will be maintained throughout the consultation process, when processing any subsequent application and where an application goes before the licensing sub-committee. Where possible, a different licensing officer will provide the pre-application advice to that of the officer who processes the subsequent application. Any applications where representations are made will be determined by the licensing sub-committee. The licensing officer's role at the sub-committee is limited to providing advice on policy and national guidance.

**41.9** The pre-application consultation service is provided by experienced officers of the Licensing Authority. It is not provided by solicitor and therefore does not constitute legal advice.

## **Make a request for pre-application advice**

**41.10** Once we receive your request, we will contact you to take payment over the phone by debit or credit card and arrange a date and time for the pre-application meeting to be scheduled within five working days.

**41.11** Email a request for advice to [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk) please provide your contact information and a brief overview of the type of premises that needs to be licensed such as off licence, restaurant, bar, club, public house, indoor arena, sports stadium, outdoor music festival.

## 42.0 Contact Details

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

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

Telephone: 0161 912 4047

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

Website: [www.trafford.gov.uk](http://www.trafford.gov.uk)

42.2 The Responsible Authorities detailed in this policy will also be willing to give advice and guidance to applicants. Their contact details are listed in **Appendix E**.

## 43.0 Late Night Refreshment – Local Powers to Deregulate

**43.1** Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late-night refreshment.

**43.2** This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.

**43.3** The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).

**43.4** The licensing authority does **not** currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.

**43.5** If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and the impact on the locality.

## 44.0 Outside Space

**44.1** Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

**44.2** In such cases it will not be necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

**44.3** If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

## Tables and chairs on the public highway

**44.4** Licensed premises that wish to use a portion of a public street, road or place for the for the placing of tables, chairs or other temporary furniture outside a restaurant or cafe for patrons to use may only do so under permission of a Street Cafe licence issued by the Council as Highway Authority. Applicants should be aware that approval is not automatic and no tables or chairs should be placed on the highway until formal approval has been obtained. Street Cafe licences are subject to their own specific restrictions, including limitations on the hours during which they may be used and the number of tables and chairs that may be provided.

**44.5** Applicants are expected to have specific regard to the impact upon the Licensing Objectives that the operation of any areas on the public highway that are licensed for tables and chairs might have.

**44.6** Applicants should note that the grant of a premises licence to include part of the highway does not in itself grant permission to use that part of the highway and similarly a licence from the highway authority does not grant permission to undertake any other licensable activity.



## Appendix A: Current Mandatory Conditions

| Mandatory Condition   | Applicable to  |
|---|--|
| <p>No supply of alcohol may be made under the premises licence –</p> <p>(a) at a time where there is no designated premises supervisor in respect of the premises licence, or</p> <p>(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.</p> <p>Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence</p>   | <p>Any premises licence or which authorises the sale of alcohol.</p>   |
| <p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p> | <p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p> |

|  |  |
|--|--|
| <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;</p> |  |
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|---|--|
| <p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).</p>  |  |
| <p>The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.</p>  | <p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p> |
| <p>(i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p> <p>(ii) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.</p> <p>(iii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—</p> <p>(a) a holographic mark, or (b) an ultraviolet feature.</p> | <p>Any premises licence or club premises certificate which authorises the sale of alcohol.</p>                                 |
| <p>The responsible person must ensure that—</p> <p>(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in</p>   | <p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p> |

|  |  |
|--|--|
| <p>advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—</p> <p>(i) beer or cider: 1/2 pint;<br/> (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml;</p> <p>(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and</p> <p>(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.</p> |  |
| <p>(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>(2). For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor</p>  | <p>Any premises licence or club premises certificate which authorises the sale of alcohol.</p> |

|   |  |
|---|--|
| <p>Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula—<br/> <math>P = D + (D \times V)</math></p> <p>where—</p> <p>(i) P is the permitted price,<br/> (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and<br/> (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—</p> <p>(i) the holder of the premises licence,<br/> (ii) the designated premises supervisor (if any) in respect of such a licence, or</p> |  |
|---|--|

|  |   |
|--|---|
| <p>(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;</p> <p>(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent</p> <p>the supply in question; and</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.</p> <p>(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.</p> <p>(4) (i) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.</p> <p>(ii) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.</p> |   |
| <p>(1) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.</p>   | <p>Club premises certificates which authorise sale of alcohol for consumption</p> |

|   |  |
|---|--|
| <p>(2) Any alcohol supplied for consumption off the premises must be in a sealed container.</p> <p>(3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.</p> | <p>off the premises.</p>   |
| <p>Exhibition of Films</p>  | <p>Any premises licence or club premises certificate which authorises the exhibition of films.</p> |

|   |  |
|---|--|
| <p>Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence</p> <p>Or</p> <p>where the licensing authority has notified the holder of the licence that it considers a classification, or an alternative classification is necessary then admission of children must be restricted in accordance with any recommendation made by that licensing authority</p> <p>In this section-</p> <p>"children" means persons aged under 18; and</p> <p>"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).</p> |  |
| <p>Door Supervisors</p> <p>Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.</p>  | <p>Any premises licence or club premises certificate which includes a condition relating to door supervisors / security.</p> |

## Appendix B:

### Local Authorities Bordering the Trafford Area:

#### **Cheshire East Council**

Macclesfield Town Hall  
Town Hall  
Macclesfield  
SK10 1DP  
Tel: 01625 504250  
Email: [licensing@cheshireeast.gov.uk](mailto:licensing@cheshireeast.gov.uk)

#### **Manchester City Council**

The Licensing Unit  
Room 1012 (Level 1)  
Town Hall Extension  
Manchester  
M60 2LA  
Tel: 0161 234 4917/4921  
Email: [premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)

#### **Salford City Council**

Licensing Section  
Civic Centre  
Chorley Road  
Swinton  
Salford  
M27 5DA  
Tel: 0161 793 3114/3115  
Email: [licensing@salford.gov.uk](mailto:licensing@salford.gov.uk)

#### **Stockport Borough Council**

Environmental Health Section (Public Health Team)  
Stopford House  
Piccadilly  
Stockport  
SK1 3XE  
Tel: None

Email: [licensing@stockport.gov.uk](mailto:licensing@stockport.gov.uk)

**Warrington Borough Council**

Chief Executive's Department

West Annexe

Town Hall

Warrington

WA1 1UH

Email: [cexlicensing@warrington.gov.uk](mailto:cexlicensing@warrington.gov.uk)

# Appendix C:

## Licensing Act 2003 Model Conditions

### Counter Terrorism

1. At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises and all on-duty managers must have completed ACT: Awareness training. In addition, a minimum of 1 on-duty manager must also have completed the ACT: Operational or ACT: Strategic training.
2. The Designated Premises Supervisor must complete the ACT: Awareness training and ACT: Operational or ACT: Strategic training course within 28 days of the grant or variation of the licence. Should the Designated Premises Supervisor named on the licence change, the new Designated Premises Supervisor must complete those courses within 28 days of being named on the licence.
3. Within 28 days of the grant or variation of the licence, a documented security vulnerability assessment, which must incorporate counter terrorism measures, must be undertaken for the premises to include all areas in which licensable activities takes place and which the public will have access and/or transit through. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
4. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security vulnerability assessment and take promptly such steps to eliminate



them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of Manchester City Council.

5. Within 28 days of the grant or variation of the licence, the premises must have a documented counter-terrorism plan, which sets out counter measures to be implemented in response to a terrorist attack, through the principles of 'Guide', Shelter' and 'Communicate'-
  - **Guide** - Direct people towards the most appropriate location (in vacuation, evacuation, hide)
  - **Shelter** - Understand how your place or space might be able to lock-down and shelter people within it for several hours
  - **Communicate** - Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

## Admission and control of entry

6. The designated queuing area shall be enclosed within appropriate barriers and ensure that a minimum width of 1.8m [or specify if greater] is maintained on the footway to allow safe passage by pedestrians.
7. An ID scanning system approved in writing by the licensing authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.

8. All persons entering or re-entering the premises must be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].
9. No patron shall be admitted or readmitted to the premises [after XX:XX hours] unless they have [passed through a metal detecting search arch] [been searched using hand-held electronic search wands] and, if the search equipment is activated, have been physically searched in accordance with a procedure agreed with Greater Manchester Police, which must include a 'pat down search' and a full bag search. Search equipment must be kept in working order.
10. No customer will be permitted to enter or re-enter the premises between the hours of [specify] save for persons who have temporarily left the premises (e.g. to smoke).
11. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
12. No more than [insert number] customers will be permitted on the premises at any one time.
13. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place.

## Door supervisors

14. Door supervision must be provided on (specify days / circumstance).  
Door supervisors must be on duty from [specify hours] and must remain on duty until the premises are closed and all the customers have left.

15. On [specify days/hours], at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan].
16. Door supervisors shall be employed at the ratio of [XX] door supervisor for every 100 customers (or part thereof).
17. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
  - (i) Size of the venue
  - (ii) Expected attendance
  - (iii) Type of event taking place
  - (iv) Location of the premises
  - (v) Time of year
  - (vi) Special occasion (New Year, Halloween, Local events etc.)
  - (vii) Premises Licence Conditions
18. At least [XX] female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.
19. All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].
20. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.
21. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.

22. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
23. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.
24. Random searches shall be undertaken of customers entering the premises between the hours of [insert times] and prominent signage to this effect.
25. A metal detection device shall be randomly used by door supervisors to search patrons for weapons.
26. A search arch shall be used at the premises to detect customers who may be carrying weapons.
27. Bag clips shall be made available on the premises.

## Bodycams

28. On [specify days/hours], at least [insert number] of SIA registered door supervisors on duty at [specify location at the premises] [or as shown on the plan] must wear working body cams.
29. All body cams must:
  - (i) be activated by the wearer to record any incident of crime and disorder they witness;
  - (ii) provide a continuous recording loop designed to ensure that relevant information is still captured if the User is unable to immediately activate the recording;
  - (iii) produce an acceptable video recording under street lighting and inside buildings, including low-light conditions

- (iv) be overt, be pointed correctly to ensure best evidence is captured, and worn so that it will not be obscured by clothing;
  - (v) be capable of clearly recording a conversation between the User and people in close proximity; and be optimised to record speech rather than background noise;
  - (vi) record synchronised video and audio;
  - (vii) employ a wide-angle lens that records a broad scene in full focus;
  - (viii) be securely attached to avoid accidental loss and malicious removal
  - (ix) be equipped with sufficient storage and battery capacity to cover the requirements of a working shift.
  - (x) record in a format viewable in its original format using free software including VLC media player
  - (xi) when transferred off the device, recordings should be preserved in their original format and any metadata retained
  - (xii) must always show the correct time and date in video footage, for evidential continuity
  - (xiii) be capable of still capturing video if the microphone malfunctions, and audio is still captured if the camera malfunctions.
  - (xiv) not overwrite data once recording capacity is reached.
30. A record must be kept of the SIA registration number of the door supervisor and the ID of bodycam worn by them.
31. Bodycam images must be stored so that they are retrievable and accessible for replay and viewing, and kept in an environment that will not be detrimental to the quality or capacity for future viewing. They should be appropriately labelled to enable identification and retrieval and kept for a minimum of 28 days.

32. The premises licence holder must ensure there are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

## CCTV

33. The premises licence holder must ensure that:

- (i) CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
- (ii) The system records clear images permitting the identification of individuals.
- (iii) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- (iv) The CCTV system operates at all times while the premises are open for licensable activities [or specify timings].
- (v) All equipment must have a constant and accurate time and date generation.
- (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- (vii) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

- (viii) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police officer or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested.

## Preventing illegal drug use

34. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or [designated role-holder at business], shall have access. All controlled drugs (or items suspected to be, or, containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Greater Manchester Police for appropriate disposal.
35. The premises shall operate a zero-tolerance policy to drug use and posters shall be prominently displayed to this effect. All staff shall be trained in the implementation of the venue's drugs policy.
36. Toilet cisterns shall be provided with sloping lids or similar to discourage drug use.

## Promotional activity

37. The premises licence holder must submit to [insert contact details for Responsible Authority] a completed risk assessment form as prescribed at least 14 days before any event that is
- (i) Promoted / advertised to the public at any time before the event;  
and

- (ii) Features DJ's, MC's or equivalent performing to a record backing track; and
- (iii) Runs anytime between the hours of [insert hours].

38. No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

## Incident reporting

39. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details (delete as appropriate):

- (i) All alleged crimes reported to the venue or by the venue to the police
- (ii) All ejections of patrons
- (iii) Any complaints received
- (iv) Any incidents of disorder
- (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
- (vi) Any faults in the CCTV system, searching equipment or scanning equipment
- (vii) Any refusal of the sale of alcohol
- (viii) Any faults in the CCTV system, searching equipment or scanning equipment
- (ix) Any visit by a responsible authority or emergency service



- (x) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

## Staff training (alcohol & vulnerability welfare)

- 40. All staff authorised to sell alcohol shall be trained in (delete as appropriate):
  - (i) Relevant age restrictions in respect of products
  - (ii) Prevent underage sales
  - (iii) Prevent proxy sales
  - (iv) Maintain the refusals log
  - (v) Enter sales correctly on the tills so the prompts show as appropriate
  - (vi) Recognising signs of drunkenness and vulnerability
  - (vii) How over-service of alcohol impacts on the four objectives of the Licensing Act 2003
  - (viii) How to refuse service
  - (ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
  - (x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
  - (xi) The conditions in force under this licence.
- 41. Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.

42. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [or specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

## Preventing and dealing with drunkenness and vulnerability

43. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.
44. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to sell alcohol to anyone who is drunk.
45. A Personal Licence Holder must be present at the premises to supervise all sales of alcohol.
46. A minimum of [specify] persons must be employed and on duty at the premises between [specify days/hours] who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.
47. The premises shall provide facilities for customers to securely recharge their mobile phones.

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

48. No sale of single cans of beer, lager or cider.
49. The premises will not sell any beer, lager, or cider that is equal to or greater than 6% ABV. For the avoidance of doubt, this does not include specialist products from craft microbreweries or limited edition / seasonal products (e.g. Christmas gift packs), subject to Police and Licensing Authority discretion.
50. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.

## Glassware and use of ice fountains / bottle sparklers

51. Drinks must only be served in polycarbonate/plastic containers [on specified days or events] [upon reasonable notice by Greater Manchester Police].
52. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers [except for consumption in any delineated external area as shown on the plan attached to the licence].
53. Spirit, Champagne and all other glass bottles greater than [70cl] are restricted to customers seated at a [table] [booth] in the delineated area[s] as shown on the plan attached to the licence. These bottles must be secured to the table or ice bucket and must only be dispensed

by a member of staff who is trained in the responsible service of alcohol. Customers must not be permitted to leave their table carrying any such bottle or be permitted to drink directly from the bottle.

54. Ice fountains or similar products (which are classed as HT4 explosives):

- a) Must be kept in their original packaging and only stored in a secure storeroom or fire-resistant cabinet that the public have no access to. The room/cabinet must be kept locked, except for the depositing or removal of products but must be locked immediately thereafter.
- b) Their use must be risk assessed in advance and appropriate control measure put in place to reduce the risk to staff and customers, which must include (but is not limited to):
  - (i) staff training in their safe use and dispersal
  - (ii) the provision of appropriate first aid training and equipment
  - (iii) suitability of areas of the premises where the products will be used
- c) The risk assessment and control measures identified must be documented, kept on the premises and made available for inspection to a police officer, fire or other authorised officer upon request.

## Preventing underage sales

55. The Challenge [25] scheme must be operated to ensure that any person who appears to be under the age of [25] shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA

national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

56. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that the Challenge [25] scheme is in operation.
57. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
58. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

## Alcohol deliveries

59. The premises licence holder shall provide the following information in writing to the licensing authority before any sale of alcohol is carried out (and notify change to this information to the licensing authority within 7 days):
- (i) The trading name of any company that will operate under the licence
  - (ii) All telephone numbers that will be used to accept orders

- (iii) The URL/website address that will be used to accept orders.
60. Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.
61. All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

## Restaurants and takeaways (alcohol)

62. The premises must only operate as a restaurant:
- (i) in which customers are seated at a table,
  - (ii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
  - (iii) which do not provide any takeaway service of food or drink for immediate consumption, and
  - (iv) where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
63. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a takeaway meal.

## Restricting alcohol sales in relation to designated special events, e.g. football matches

64. Prior to any [designated special event by Greater Manchester Police] [‘designated sporting event’ (as defined in the Sporting Events Control of Alcohol Act 1985)] the premises licence holder shall ensure that:

- (i) Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated [special] [sporting] event
- (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated [special] [sporting] event
- (iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated [special] [sporting] event
- (iv) On any day where there is a relevant designated [special] [sporting] event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated [special] [sporting] event or in the vicinity of the premises as a result of the designated [special] [sporting] event
- (v) All members of staff working at the premises are informed of this condition prior to taking up employment
- (vi) On the day of the relevant designated [special] [sporting] event, upon the direction of a police officer, using the grounds of the

prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.

## Use of special effects

65. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used if 10 days' prior notice is given to the licensing authority where consent has not previously been given:

- (i) Dry ice and cryogenic fog
- (ii) Smoke machines and fog generators
- (iii) Pyrotechnics, including fireworks
- (iv) Firearms (e.g. Blank firing pistols)
- (v) Lasers
- (vi) Explosives and highly flammable substances
- (vii) Real flame
- (viii) Strobe lighting.

## Emergencies

66. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.

67. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.



68. All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than [specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Trafford Council.
69. The premises shall have a minimum 20m rescue throwline available on the premises for emergency use. All on-duty staff (including security) shall be knowledgeable of its location and the manufacturer's instructions for use.

## Preventing noise and other public nuisances

70. All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
71. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
72. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council]. Only the Premises Licence Holder and the Designated Premises Supervisor will have access to the noise limiting device.

73. The location and orientation of loudspeakers must be as specified on the attached premises plan.
74. An [acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer] must be installed [specify the location / define on plan].
75. There shall be no noise or odour caused by the kitchen extraction equipment that gives rise to a nuisance.
76. Any queue in a (designated queuing area) to enter the premises must be supervised at all times by door supervisors.
77. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
78. The dispersal of customers from the premises must be managed in accordance with the following:
- a. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
  - b. Public announcements requesting customers to leave quietly to minimize disturbance to nearby residents
  - c. A [specify minutes] period where music volume is reduced / lighting increased / alcohol sales cease.

## Deliveries (nuisance)

79. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the

premises by the public. The telephone must be manned at all times the premises is open for licensable activities.

80. No deliveries or collections relating to licensable activities at the premises will take place between the hours of [insert hours].
81. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.
82. Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.

## Smoking and other external areas

83. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as [specify location / mark on plan]. No more than [insert number] of customers will be permitted to remain in the designated smoking area at any one time.
84. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

85. No more than *[insert number]* customers will be permitted to enter or remain in *[define outdoor area(s)]* of the premises at any one time, between the hours of *[specify]*.
86. The tables and chairs outside the premises shall be brought inside at *[insert time]*
87. Staff shall regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises.
88. The use of the garden/external area shall cease after *(insert time)* hours on *(insert days of the week)*
89. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.

## Litter and cleansing

90. At *[specify times]* *[specify areas]* outside the premises, including *[specify areas]* must be swept and/or washed, and litter and sweepings collected and stored *[specify storage and collection]*.
91. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name.
92. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
93. Empty bottles which have been collected must be placed into locked bins when deposited outside.

94. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
95. Between the hours of [insert hours] no waste/glass bottles will be moved or deposited outside.
96. Persons wishing to leave the premises to smoke shall not be permitted to take drinks outside with them.

## Children on the premises

97. No person under the age of [insert age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
98. The PLH/DPS will provide [specify ratio] adult supervisors at a ratio of [specify ratio] who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.
99. The licence holder and/or DPS shall ensure that any child performer is licensed with Trafford Council and accompanied by a registered chaperone. Documented records should be kept for six months, including the child's name, their licence number and chaperone details.
100. Where children are allowed on the premises, information shall be displayed [location] on what to do if there is a cause for concern regarding a child's welfare. This shall include reporting to Trafford Council via on 0161 912 4242 or [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk) or NSPCC on 0808 800 5000 (free 24-hour service) or dialling 999 in the event of an immediate threat.

## Late night refreshment

101. Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.
102. Between [specify hours from 11pm/days] customers must not be permitted to remove from the premises any hot food or hot drink (late night refreshment) provided at the premises.

## Large events

103. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.

## Boxing and wrestling (including MMA and other combat sports)

104. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority. The Plan must set out (but is not limited to):
  - (i) Full contact details of the organisers and other parties involved in the event.
  - (ii) The medical cover that will be provided at this event. Will there be a Registered Doctor and a Paramedic will be provided as a minimum? Has facility to providing an ambulance been considered for the event? The Council would prefer that an ambulance is provided.

- (iii) The medical checks that will be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.
- (iv) How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category.
- (v) Details of the ring set up and who will be carrying this out.
- (vi) The numbers of referees and judges taking part in the event.
- (vii) The type and weight of boxing gloves that will be used by the boxers and how these will be inspected.
- (viii) What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties.
- (ix) Details of the Personal Protective Equipment that will be worn by boxers.
- (x) Actions that will be taken in an emergency and how parties will communicate.
- (xi) Site checks that will be completed prior to the event taking place.
- (xii) Referee details including qualifications.

## Adult entertainment

105. The premises may not show R18 films without the benefit of a sex cinema licence.

106. No person under the age of 18 will be permitted to enter or remain on the premises when any “relevant entertainment” (as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 is taking place.

For reference:

Relevant entertainment is ‘Any live performance or any live display of nudity, which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Display of nudity means in the case of a women - exposure of her nipples, pubic area, genitals or anus; and in the case of a man - exposure of his pubic area, genitals or anus.

The audience can consist of one person.

## Dispersal

107. The dispersal of customers from the premises must be managed in accordance with the following:

- (i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- (ii) Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents.
- (iii) A [specify minutes] period where [music volume is reduced / lighting increased / alcohol sales cease].
- (iv) A suitable member of staff or a Door Supervisor[s] will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking
- (v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.

108. From no later than 1 hour before the premises closes to the public, a member of staff shall be dedicated to monitor the dispersal of



customers and ensure patrons do not contribute to anti-social behaviour in the vicinity. They will be easily identifiable by way of their uniform or high visibility jacket / vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.

## Appendix D: Scheme of Delegations

| Matter to be dealt with   | Full Council | Licensing Panel              | Officer                         |
|---|--------------|------------------------------|---------------------------------|
| Review of Statement of Licensing Policy, receipt of annual report and other relevant reports. | In all Cases |                              |                                 |
| Application for a personal licence  |              | If a representation is made. | If no representations are made. |
| Application for a premises licence or a club premises certificate                             |              | If a representation is made. | If no representations are made. |
| Application to vary an existing premises licence or club premises certificate                 |              | If a representation is made. | If no representations are made. |
| Application for minor variation of a premises licence or club premises certificate            |              |                              | In all cases.                   |

|  |  |                 |
|--|--|-----------------|
| Application to vary the designated premises supervisor (DPS) | If a Police representation is received | All other cases |
| Requests to be removed as DPS                                |  | All cases       |
| Application for transfer of a personal licence               | If a Police representation             | All other cases |

|  |                            |                 |
|--|----------------------------|-----------------|
| Application for interim authorities  | If a Police representation | All other cases |
| Applications to review premises licences and club premises certificates  | All cases                  |                 |
| Decisions on whether a complaint is irrelevant, frivolous or vexatious etc.  |                            | All cases       |
| Determination of a Police representation to a Temporary Event Notice   | All Cases                  |                 |
| All applications will be considered in accordance with any statutory framework. Applications will only be accepted if they contain all required information and have been correctly made. Any application that falls short of the requirements will be returned to the applicant for correction or addition. |                            |                 |

## Appendix E: Responsible Authorities

### **Environmental Health Team**

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

### **Pollution & Housing Team**

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

### **Planning Service**

Trafford Council  
PO Box 96  
Sale  
Cheshire  
Tel: 0161 912 3149  
Email: [development.management@trafford.gov.uk](mailto:development.management@trafford.gov.uk)

### **Safeguarding Children Unit**

Children and Young People's Service  
Trafford Town Hall  
Talbot Road  
Stretford  
M32 0TH

Tel: 0161 912 4009

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

**Greater Manchester Police**

The Chief Superintendent

Stretford Police Station

Talbot Road

Stretford

M32 0XB

Tel: 0161 856 7869

Email: [Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk)

Email: [Trafford.PartnershipTeam@gmp.police.uk](mailto:Trafford.PartnershipTeam@gmp.police.uk)

**Greater Manchester Fire and Rescue Service**

The Fire Safety Manager

Greater Manchester Fire and Rescue Service

Stretford Fire Station

246 Park Road

Stretford

M32 8RJ

Tel. 0161 608 9210

Email: [P&PAdminTeamSalford&@manchesterfire.gov.uk](mailto:P&PAdminTeamSalford&@manchesterfire.gov.uk)

**Health & Safety Executive - North West Office**

Grove House

Skerton Road

Manchester

M16 0RB

Tel: 0161 952 8200

**Public Health Authority**

Children, Families and Wellbeing Directorate

Trafford Council

Trafford Town Hall

Talbot Road

Stretford

Manchester

M32 0<sup>TH</sup>

Tel: 0161 912 1936  
Email: [Eleanor.Roaf@trafford.gov.uk](mailto:Eleanor.Roaf@trafford.gov.uk)

**Environment Agency - North West Office**

Appleton House  
430 Birchwood Boulevard  
Birchwood  
Warrington  
WA3 7WD  
Tel: 08708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

**British Waterways Board - North West Office**

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

**Secretary of State for Transport**

Enquiry Service  
Department of Transport  
Great Minster House  
76 Marsham Street  
London  
SW1P 4DR  
Tel: 020 7219 8497  
Email: [shappsg@parliament.uk](mailto:shappsg@parliament.uk)

## Appendix F: Policy Consultation List

Adam Geoffrey Management  
Altrincham and Bowdon Civic Society  
Altrincham Football Club (Grahame Prowley)  
Altrincham Town Centre Partnership  
Altrincham Unlimited  
Amblehurst Hotel, Sale  
Asda  
B&M Stores  
Blake Morgan Solicitors  
British Beer & Pub Association  
British Institute of Innkeeping  
British Retail Consortium  
British Transport Police  
Burger King UK Limited  
Campaign for Real Ale  
Church of Christ Stretford  
Church of England(Sale)  
Co-operative Group Food Limited  
Cresta Court Hotel, Altrincham  
DAC Beachcroft Solicitors  
David Lloyd Leisure  
DWF Solicitors  
Enterprise Inns  
Environment Agency – North West Office  
Filmbank  
Flint Bishop Solicitors  
Ford & Warren Solicitors  
Freeths Solicitors  
Gosschalk Solicitors  
Greater Manchester Chamber of Commerce  
Greater Manchester Fire & Rescue Service  
Greater Manchester Police  
Greene King  
Harrison Clark Rickerbys Solicitors  
Hydes Brewery Limited  
J D Wetherspoons  
J W Lees & Co Brewers Limited  
Jewish Representative Council  
John Gaunt Solicitors  
Joseph Holt Limited

Kuits Solicitors  
L R Law Solicitors  
Lancashire County Cricket Club  
Licensing Legal Solicitors  
Licensing Matters Solicitors  
Local Government Association  
Lockett & Co Solicitors  
Manchester United Football Club  
Marks & Spencer plc  
Marstons Brewery  
Martin & McColls  
Mitchells & Butler Leisure Retail Limited  
Naphthens Solicitors  
One Stop Stores  
Punch Taverns Limited  
Quality Save  
Safer Trafford Partnership  
Sainsbury's plc  
Salvation Army – North West  
Secretary of State for Transport  
Shoosmiths Solicitors  
Spar (UK) Limited  
Tesco Stores Limited  
The Magistrates Association  
The National Trust  
TLT LLP Solicitors  
Trafford Arts Association  
Trafford Housing Trust  
Trethowans Solicitors  
UCI (UK) Limited  
United Co-operative Limited  
VUE Cinemas  
Warrington Borough Council  
Winckworth Sherwood Solicitors  
Wolverhampton & Dudley Breweries plc  
Woods Whur Solicitors  
Association of Convenience Stores  
Association of Licensed Multiple Retailers  
Association of Town Centre Managers  
Buddhist Centre  
Federation of Licensed Victuallers Associations  
Greater Manchester Churches Together  
Greater Manchester Passenger Transport Executive  
InnCourt Licensing Consultants  
Jacqueline Foster MEP  
Julie Ward MEP



Louise Bours  
 Steven Woolfe MEP  
 Theresa Griffin MEP  
 Trafford Primary Care Trust  
 National Association of Head Teachers  
 National Consumer Federation  
 North West Waterways – Canal & River Trust  
 Paul Nuttal MEP  
 Sajjad Karim MEP  
 NCM 2000  
 Restaurant Association

## Council consultees

Equality & Diversity Manager  
 Strategic Manager Culture & Sport  
 All Councillors  
 Head of Partnerships & Communities  
 Planning  
 Director of Public Health  
 Strategic Manager Crime & Antisocial Behaviour  
 Trading Standards Team  
 Environmental Health Team  
 Environmental Protection Team  
 Director of All Age Commissioning  
 NHS Trafford Clinical Commissioning Group  
 Safeguarding Children  
 NHS Trafford Clinical Commissioning Group

## Bordering authorities

Cheshire East Council  
 Salford City Council  
 Manchester City Council  
 Warrington Borough Council  
 Stockport Borough Council

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## EQUALITY IMPACT ASSESSMENT - TRAFFORD COUNCIL

| A. Summary Details    |  |   |
|-----------------------|--|---|
| 1                     | Title of EIA:  | Statement of Licensing Policy 2021-2026   |
| 2                     | Person responsible for the assessment:                               | Joanne Boyle  |
| 3                     | Contact details:   | licensing@trafford.gov.uk   |
| 4                     | Section & Directorate:   | Regulatory Services – Directorate, Place  |
| 5                     | Name and roles of other officers involved in the EIA, if applicable: |   |
| B. Policy or Function |  |   |
| 1                     | Is this EIA for a policy or function?                                | Policy <input checked="" type="checkbox"/> Function <input type="checkbox"/>  |
| 2                     | Is this EIA for a new or existing policy or function?                | New <input type="checkbox"/> Existing <input type="checkbox"/><br>Change to an existing policy or function <input checked="" type="checkbox"/>  |
| 3                     | What is the main purpose of the policy/function?                     | Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its Licensing Policy, reviewed 5 yearly. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the Licensing Act 2003. The policy sets out the general approach to make licensing decisions whilst remaining |

|   |  |   |
|---|--|---|
|   |  | <p>consistent with the provisions of the Licensing Act 2003.</p> <p>The licensing objectives are set out in the Act and are:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul>   |
| 4 | <p>Is the policy/function associated with any other policies of the Authority?</p> | <p>The Council has seven corporate priorities.</p> <p>The Licensing Policy can be linked to the priorities of: Children and Young People; Health and Wellbeing; and Successful and Thriving Places</p> <p>◆ Children and Young People - Licenses premises must be safe for all users and staff - public safety, the protection of children from harm and the prevention of crime and disorder are key objectives ◆ Health and Wellbeing - Licensed premises and their clientele should not cause undue noise and nuisance to neighbours - prevention of public nuisance is a key objective ◆ Successful and Thriving Places - The licensing regime has led to an increase in licensed premises which will help to boost the local economy which will bring new jobs and more prosperity to the Borough ◆</p> <p>The revised policy is intended to address issues in relation to living well, and is intended to help strike the right balance between the development of the night time economy and its potential adverse</p> |

|   |  |  |
|---|--|--|
|   |  | impact on local residents.   |
| 5 | Do any written procedures exist to enable delivery of this policy/function?                                    | Yes, these are contained in a separate procedure manual.   |
| 6 | Are there elements of common practice not clearly defined within the written procedures? If yes, please state. | No   |
| 7 | Who are the main stakeholders of the policy? How are they expected to benefit?                                 | <p>Licence holders ● Potential licence holders ● Residents or their representatives ● Local businesses or their representatives ● Government bodies and other external agencies, such as Police, Fire &amp; Rescue Service ● Council departments, such as Planning Control and the Safeguarding Children Board, Pollution Control Team and Food Safety Team. ● Councillors as the decision makers and representatives of residents.</p> <p>The benefits of the Policy are that it provides: a fair and consistent approach to licensing enforcement administration for any service user; easy to understand information regarding licence application and decision making processes to anybody who wants it; and enables any service user to understand and comply with current legislation.</p> |
| 8 | How will the policy/function (or change/improvement), be implemented?  | <p>The Licensing Policy will be agreed formally by the Full Council in October 2020 and will become effective on the 7<sup>th</sup> January 2021.</p> <p>The Policy then has to be reviewed and renewed at least every 5 years.</p>  |

|    |   |  |
|----|---|--|
|    |   | <p>Once implemented guidance and information will be available for businesses.</p> <p>Guidance and advice will also be available to individuals who wish to make representations (objections) to an application.</p> <p>Unlicensed activity and compliance will be monitored by enforcement.</p> |
| 9  | What factors could contribute or detract from achieving these outcomes for service users?   | No barriers identified   |
| 10 | Is the responsibility for the proposed policy or function shared with another department or authority or organisation? If so, please state? | No   |

### C. Data Collection on People Impacted by Policy or Function

|   |   |  |
|---|---|--|
| 1 | Do you have monitoring data on the number of people (from different equality groups) who are using or are potentially impacted upon by your policy/ function? | <p>There is very little data regarding existing licensees available to inform this process.</p> <p>All local authorities have to use prescribed processes and forms produced by Central Government. The forms used do not include equalities issues.</p> |
|---|---|--|

|   |   |  |
|---|---|--|
|   |   | <p>The Government have not permitted application forms to contain anything except that which is specified in the regulations. This has had implications not just for previous equalities impact assessments for licensing consultation but also monitoring all Council interventions under the act.</p> <p>The Council will not be in a position where it can proactively affect the profile of licence holders. The policy we adopt though will ensure that the process of obtaining a licence will be fair and free of discrimination.</p> |
| 2 | Please specify monitoring information you have available and attach relevant information*.                              | The information required from applicants is set down in Regulations and does not include any form of profile monitoring. In essence the same is true of any residents who object to any application.   |
| 3 | If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data? | <p>There is no information currently available that adequately profiles users or beneficiaries.</p> <p>An action point from this assessment will be to consider what meaningful profiling can be done of service users that will inform future initiatives and policy to ensure there is no unequal impact on the relevant target groups.</p>  |

*\*Your monitoring information should be compared to the current available census data to see whether a proportionate number of people are taking up your service*

## D. Consultation & Involvement

|   |   |  |
|---|---|--|
| 1 | <p>Are you using information from any previous consultations and/or local/national consultations, research or practical guidance that will assist you in completing this EIA?</p> | <p>The policy is in the main developed with due regard to the statutory guidelines laid down by the Central Government; due regard to responses made to the consultation process carried out to a wide range of stakeholders ; and in part sets out how applicants should conduct themselves with regard to a wide range of issues which include equalities.</p> <p>In all over 1000 consultations were sent out to</p> <ul style="list-style-type: none"> <li>◆ Local Residents and Tenants associations</li> <li>◆ Local Businesses</li> <li>◆ Religious bodies and organisations</li> <li>◆ Relevant and associated business organisations</li> <li>◆ Police,</li> <li>◆ Fire Authority,</li> <li>Local holders of on &amp; off licences,</li> <li>◆ Licence holders</li> <li>◆ LAP's &amp; CPAG's</li> <li>◆ Local MP's</li> <li>◆ Local Councillors</li> </ul> <p>Feedback from the consultation was generally good.</p> <p>There is much in the existing policy that is not contentious and has not been raised or objected to by any party involved in the licensing process. The consultation questions focused specifically on the Council's Saturation Policy for Altrincham and Sale. However opportunity was given for further comment from consultees on all aspects of the Licensing Policy.</p> |
| 2 | <p>Please list any consultations planned, methods used and groups you plan to</p>   | <p>No further consultation is planned before the Policy becomes effective.</p>   |



|   |  |                        |
|---|--|------------------------|
|   | target. (If applicable)  |                        |
| 3 | **What barriers, if any, exist to effective consultation with these groups and how will you overcome them? | No barriers identified |

*\*\*It is important to consider all available information that could help determine whether the policy/ function could have any potential adverse impact. Please attach examples of available research and consultation reports*

**E: The Impact – Identify the potential impact of the policy/function on different equality target groups**

*The potential impact could be negative, positive or neutral. If you have assessed negative potential impact for any of the target groups you will also need to assess whether that negative potential impact is high, medium or low*

| Page 50 |   | Positive | Negative (please specify if High, Medium or Low) | Neutral | Reason   |
|---------|---|----------|--|---------|--|
|         | <b>Sex</b>                                |          |  |         | No adverse impact identified   |
|         | Pregnant women & women on maternity leave |          |  |         | The Licensing regime plays an important part in the regulation of alcohol sales in Trafford– and the schemes and conditions proposed in the Policy re supportive of the aim of reducing alcohol consumption during |

|  |   |  |  |   |
|--|---|--|--|---|
|  |   |  |  | pregnancy.  |
| Gender Reassignment  |   |  |  | No adverse impact identified  |
| Marriage & Civil Partnership   |   |  |  | No adverse impact identified  |
| <b>Race-</b> include race, nationality & ethnicity (NB: the experiences may be different for different groups) |   |  |  | No adverse impact identified  |
| <b>Disability</b> – physical, sensory & mental impairments<br><br>Page 502                                     | ✓ |  |  | A responsible and transparent licensing policy, both for the premises and the personal licensee, make a contribution to ensuring that venues and staff of those venues are aware of vulnerable groups.  |
| <b>Age Group</b> - specify e.g. older, younger etc.  | ✓ |  |  | The statutory guidelines highlight the protection of children as a key objective of the policy. As a result the policy addresses issues relating to children in the following way<br><br>◆ Applicants will have to consult with the Area Child protection Committee |

The Council may impose conditions limiting access to children ♦ where there have been convictions for serving alcohol to minors or with a reputation for underage drinking ♦ with a known association with drug taking or dealing ♦ where there is a strong element of gambling on the premises ♦ where entertainment of an adult or sexual nature is commonly provided

The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- ♦ Limitations on the hours when children may be present ♦
- Limitations on ages below 18 ♦
- Limitations or exclusion when certain activities are taking place
- ♦ Requirements for an

|   |  |  |  |  |
|---|--|--|--|--|
|   |  |  |  | accompanying adult ♦ Full exclusion of people under 18 from the premises when any licensable activities are taking place |
| <b>Sexual Orientation</b> – Heterosexual, Lesbian, Gay Men, Bisexual people |  |  |  | No adverse impact identified   |
| <b>Religious/Faith groups</b> (specify)                                     |  |  |  | No adverse impact identified   |

**As a result of completing the above what is the potential negative impact of your policy?**

High  Medium  Low  Neutral

**F. Could you minimise or remove any negative potential impact? If yes, explain how.**

|  |     |
|--|-----|
| Race:  | N/A |
| Sex & Gender, including pregnancy & maternity, gender reassignment, marriage & civil partnership | N/A |
| Disability:  | N/A |
| Age:   | N/A |
| Sexual Orientation:  | N/A |
| Religious/Faith groups:  | N/A |

|                              |  |   |
|------------------------------|--|---|
| Also consider the following: |  |   |
| 1                            | If there is an adverse impact, can it be justified on the grounds of promoting equality of opportunity for a particular equality group or for another legitimate reason? | N/A   |
| 2                            | Could the policy have an adverse impact on relations between different groups?   | No  |
| 3                            | If there is no evidence that the policy <i>promotes</i> equal opportunity, could it be adapted so that it does? If yes, how?   | <p>The aims of the policy are:</p> <ol style="list-style-type: none"> <li>1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;</li> <li>2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;</li> <li>3. Recognising the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;</li> <li>4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and</li> <li>5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon</li> </ol> |

them.

The policy itself is therefore intended to have an overall positive impact on the area and its residents, supporting the safe operation of licensed premises in the Trafford.

**G. EIA Action Plan**

| Recommendation  | Key activity                 | When     | Officer Responsible | Progress milestones |
|---|------------------------------|----------|---------------------|---------------------|
| The policy has a statutory review process. The policy has to be updated at least every 5 years. | Keep the policy under review | On-going | Joanne Boyle        |                     |
|   |                              |          |                     |                     |
|   |                              |          |                     |                     |
|   |                              |          |                     |                     |

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Please ensure that all actions identified are included in the attached action plan and in your service plan.

Signed *Joanne Boyle*  
Lead Officer: Joanne Boyle  
Date : 06/10/2020

Signed *Adrian Fisher*  
Service Head: Adrian Fisher  
Date 07/10/2020

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## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 26 October 2020  
**Report for:** Decision  
**Report of:** Executive Member for Finance and Investment

### Report Title

**Council Tax Support (CTS) Scheme for 2021/22**

### Summary

There is a legal requirement to formally approve the Council's local CTS scheme before the start of each financial year. It is proposed that the scheme remains as is, only changing to reflect the national changes to income related benefits as already agreed in 2016, therefore no public consultation is required.

### Recommendation(s)

That the Executive recommends that Full Council adopts the Council Tax Support (CTS) scheme currently in operation, updating in line with national benefits as previously agreed for 2021/22.

### Contact person for access to background papers and further information:

**Name:** Louise Shaw  
**Extension:** 3120

**Background Papers:** None

|   |  |
|---|--|
| Relationship to Policy Framework/Corporate Priorities | Health and Wellbeing and Targeted Support  |
| Financial   | The existing Council Tax Support scheme is already funded by the Council and the changes proposed are not expected to have a direct impact on the cost of the scheme, although it is accepted that the scheme costs have increased significantly in response to COVID-19 |
| Legal Implications:                                   | The Council has to formally set its local CTS scheme before the start of the following financial year in order for the scheme to be formally adopted for 2021/22. This is in accordance with the Local Government Act 2012.  |
| Equality/Diversity Implications                       | The minor amendments proposed are not considered to have any significant effect on any groups.   |
| Sustainability Implications                           | None   |
| Resource Implications e.g. Staffing / ICT / Assets    | None.  |
| Risk Management Implications                          | None   |
| Health & Wellbeing Implications                       | None   |
| Health and Safety Implications                        | None   |

## 1.0 Background

- 1.1 In April 2013, following the abolition of Council Tax Benefit (CTB) which was a national scheme funded by a central government grant, the Council implemented its local Council Tax Support (CTS) Scheme for working age claimants. This scheme has been updated annually since this date as required by the legislation.
- 1.2 There are 13.2k Trafford residents in receipt of CTS, 41% of CTS claimants are pensioners and therefore receive Council Tax Support under previous (CTB) legislation and are not affected by the local scheme.
- 1.3 The scheme costs have accelerated since the lockdown restrictions started in March 2020 and are currently at c£12.3m, which is c£1.1m per annum more than the Council budgeted for. The increase is due to a combination of the number of working age residents requiring financial support as well as the level of CTS awards for 20-21 having increased following the government announcement of the Council Tax Hardship Fund for 20-21, a one-off grant.

## 2.0 Introduction

- 2.1 Each year, the Council has to formally approve its CTS scheme for the following financial year, legislatively before the 31 March, practically, before the annual Council Tax billing exercise takes place.

2.2 Therefore, each year the billing authority must consider whether to revise its local CTS scheme or to replace it with another scheme.

**3.0 CTS 2021-22 Scheme**

3.1 It is proposed that the existing scheme remains as is, only changing to align to any changes in national benefits as already agreed in 2016, in respect of the 2017-18 scheme and onwards.

3.2 The 2021-22 scheme will take effect from 1 April 2021.

**4.0 Public Consultation**

4.1 As there are no proposed changes to the existing CTS scheme and we have consulted when changes have been made, there is no requirement to consult to retain the existing scheme

**Other Options**

The Council could have decided to change the scheme for 20/21 in particular in light of the financial challenges it faces, however, this would potentially mean that residents on benefits and/or a low income would be asked to pay Council Tax for the first time, or more Council Tax than they do now, at a time when residents are facing financial uncertainty.

**Reasons for Recommendations**

The recommendations are set out at the start of this report.

**Key Decision:** No  
**If Key Decision, has 28-day notice been given?** No

**Finance Officer Clearance**      **NB**  
**Legal Officer Clearance**      **TR**

**[CORPORATE] DIRECTOR’S SIGNATURE**

(electronic).....  .....

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

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## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 26 October 2020  
**Report for:** Information  
**Report of:** Executive Member for Finance & Investment

### Report Title

Progress Review: Recovery Update

### Summary

To provide a current update on Trafford Recovery Programme activity

### Recommendation(s)

It is recommended that the Executive notes the report, in particular the information regarding Trafford Recovery Programme progress to date

### Contact person for access to background papers and further information:

Name: Sharon Winn / Dianne Geary  
Extension: 1214/1821

Background Papers: None

### Implications:

|   |  |
|---|--|
| Relationship to Policy Framework/Corporate Priorities | <i>The Recovery update summarises the Council's governance and performance to date in response to COVID-19 and is aligned to Council's Corporate Priorities.</i> |
| Relationship to GM Policy or Strategy Framework       | <i>The Recovery Plan is aligned to the GM policy and strategy where required.</i>  |
| Financial   | <i>None arising directly from this report</i>  |
| Legal Implications:                                   | <i>None arising directly from this report. Legal advice will be sought and provided as required as part of recovery programme</i>                                |
| Equality/Diversity Implications                       | <i>None arising directly from this report</i>  |
| Sustainability Implications                           | <i>None arising directly from this report</i>  |
| Resource Implications e.g. Staffing / ICT / Assets    | <i>None arising directly from this report</i>  |
| Risk Management Implications                          | <i>None arising directly from this report</i>  |
| Health & Wellbeing Implications                       | <i>None arising directly from this report</i>  |
| Health and Safety Implications                        | <i>None arising directly from this report</i>  |

## 1.0 Background

- 1.1 The global Covid-19 pandemic has had significant impact on all aspects of our borough. We have faced unprecedented changes and challenges while also showing our communities and local public services at their best: with creative and innovative ways of working, making better use of data and digital service delivery, collaborating more and supporting and unleashing a shared common purpose across communities.
- 1.2 At the start of the pandemic we established a response team to deliver at pace to meet a clear set of needs during the emergency and work with other multi agency teams and ultimately to save lives. As we continue to respond to Covid-19 we will take each learning and use this to inform and build our recovery strategy. That said we must also be aware that the response work to Covid-19 continues and is constantly changing and therefore our recovery strategy needs to be agile; we will build back better in Trafford, however, the impact of response will take a long time to analyse and we need to prepare to moving between response and recovery for some time to come.
- 1.3 This paper provides an update on progress for the Trafford Recovery programme ("Recovery programme") since June 2020 and we are mindful of other plans that impact on Trafford including the Trafford Partnership Plan, the Clinical Commissioning Plan and the GM Recovery Plan.

## 2.0 Objectives of Recovery

- 2.1 Our recovery has been built on the momentum and positive experience of collaborative, pre-emptive action and care shown by those involved in meeting the evolving needs of residents and businesses impacted by Covid-19. During a stocktake we started to understand what had worked well and not worked well

across the borough during Covid-19 as well as identify opportunities to build on the new ways of working. Part of this work included the aim and objectives of the recovery which have been designed to support the strategic priorities and corporate plan. Through the delivery of the Recovery programme, we will shape and develop a new social and economic model for Trafford that grasps the opportunity for sustainable and inclusive growth while proactively supporting those most in need.

2.2 Our people have been truly amazing through the pandemic and continue to be our greatest asset. We remain committed to investing in our workforce of the future.

2.3 The aim of the Recovery programme is to create a bolder, more focussed council building on the strengths of our people, communities and partnerships to shape and develop a new social and economic model for Trafford that grasps the opportunity for sustainable and inclusive growth while proactively supporting those most in need and addressing inequalities that may exist.

2.4 The agreed objectives are:

**Working together** - facilitating collaboration between residents, members, staff, partners and businesses by transparently and honestly sharing challenges and co-designing solutions to realise an adaptable and resilient future.

**A focussed council** - using data and insights to proactively address inequalities and co-creating holistic, integrated and prevention led services which encourage residents and businesses to address their own needs and realise better outcomes.

**Enabling all** - continuing to empower people to manage their health while connecting, adults, children's, employment, health and skills provision through community and preventative led care and support.

**Creating Sustainable and Inclusive Growth** - working with communities, schools, colleges and businesses to shape the future economy and associated skills, housing and infrastructure needs, including using our assets to catalyse the local economy and develop affordable and accessible housing.

**Building Resilience** - by building a collective understanding of how we make the economy more resilient to future economic shocks, through a broader economic base. Working to create sustained and sustainable economic growth that addresses inequalities and weaknesses whilst meeting our commitments to becoming carbon neutral and improving air quality.

**A bolder council** - redefining our role in the borough to develop people and place focussed services which maximise the use of available resources to ensure a resilient and focussed council for Trafford.

### 3.0 Governance

3.1 Prior to Covid-19 we were working towards the delivery of the corporate plan and strategic priorities along with the 'kind of council we want to be' over a three year period. Due to Covid-19 the response phase was initiated and during this phase

we have been able to continue to deliver part of the future vision for the Council and its services. This involved how we delivered and interacted with our residents, businesses and partners and how we looked at people, processes, service modernisation, technology/ infrastructure and policy, as we moved toward a very different way of working in response to the pandemic.

3.2 Our recovery plan is continuing to ensure we move towards the ‘kind of council we want to be’....

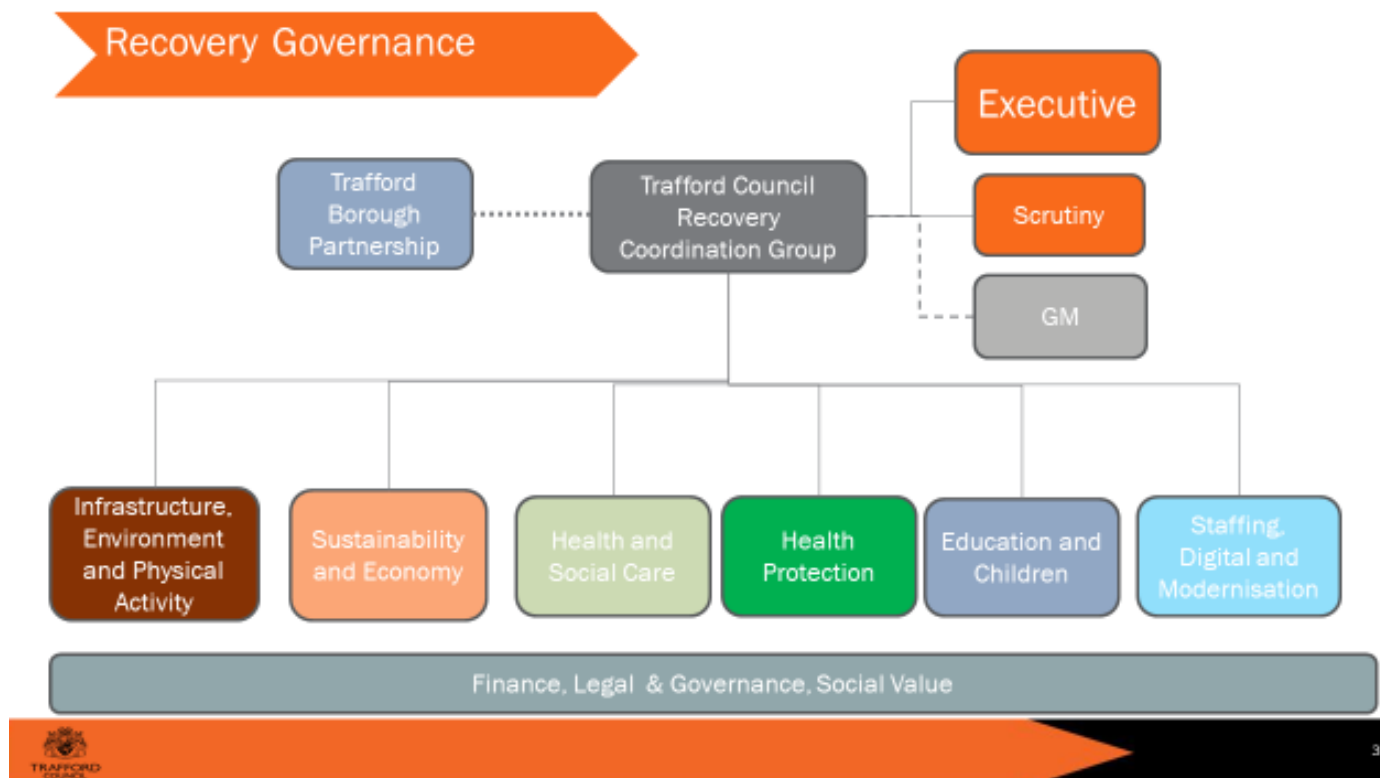
*By 2023 we will be a people-focused, digitally enabled, commercially minded Council where our high-performing place based services will provide an excellent customer experience making the most of our assets in the borough.*

3.3 The financial implication of activity will be monitored to support the ongoing budget pressures and identify potential funding sources to support recovery.

3.4 A governance process has been established to support our transition from Response, and ensure that we are tracking our activity. An initial impact assessment was developed, working with GM colleagues to ensure we are aligned at a GMCA level. From this analysis, the key thematic areas have been identified. An equalities impact assessment has also been prepared to support future service planning. Equalities is inherent in everything that we do and will continue to be assessed within each of the themes.

3.5 There is also recognition of the role of finance, legal and governance and social value in delivering our recovery plan.

3.6 The Governance is displayed below:





- 3.7 As part of response to the pandemic, local authorities were required to establish a Strategic Co-ordinating Group (SCG), sometimes known as Gold, to coordinate activity across all services. Now moving to recovery the SCG was stood down and the Recovery Coordination Group (RCG) established. This group meets twice weekly although with rising infection rates and enhanced restrictions RCG will now meet three times a week and incorporate response and recovery.
- 3.8 The Group is made up of the Corporate Leadership Team, Clinical Commissioning Group and Public Health colleagues. Fortnightly highlight reports, risk logs and pandemic plan updates are prepared by the thematic subgroups and presented to RCG. Items for decision and any risks that require escalation are also discussed. Recovery planning and associated action plans are underway; whilst acknowledging the pressure of ongoing response activity. Modernisation resource has been assigned to each thematic group to provide project and analytical support.

#### **4.0 Finance**

- 4.1 Having set a balanced budget for 2020/21 in February 2020, the impact of the coronavirus has had far reaching implications on the Council's budget. This has given rise to significant levels of additional expenditure, pressure on income streams from sales, fees and charges as well as impacting our funding from council tax and business rates. The impact of this is being felt not just this financial year but is also impacting on our budget plans for 2021/22.

#### **5.0 Key achievements**

- 5.1 Each thematic group has developed terms of reference and agreed membership. Work continues to develop recovery action plans. Significant work is progressing in a number of areas, outlined below are some key achievements for each of the recovery work streams achieved during quarter two.

##### **5.2 Infrastructure, Environment and Physical Activity**

- A temporary A56 cycle lane has been established to promote improve physical activity;
- Two Cricket Test Matches took place at Old Trafford – one of only two venues in England;
- Urmston leisure centre upgrade has been completed and is now open to the public and our other leisure centres have now also opened;
- Seven libraries have reopened with revised hours and services; and
- Joint initiatives between Trafford Councils Licensing team and GMP continue with a focus on the hospitality sector including evening visits to bars/restaurants over the 4 weekends in August.

##### **5.3 Sustainability and Economy**

- Trafford businesses have been supported with 3,569 businesses receiving £43.7m in Business Grants;
- A further £2.4m has been paid out to 354 businesses in discretionary grants;
- 59 Trafford Business Bulletins have been produced and disseminated to provide information and guidance;

- A new provision under the Bed Every Night initiative has been sourced and is now operational; and
- Introduction of the Adult Education Grant.

#### **5.4 Health and Social Care**

- A Health & Social Care recovery and reform programme with key strategic design groups has been established:
  - A Step Closer to Home
  - A Short Stay in Hospital
  - Living well at home
  - Living well in my community
- A prioritisation exercise has been completed to establish and agree the projects under each design group, the programmes are co-produced with key system stakeholders across Health, Social Care, and the VCFE sector;
- Local Care Alliance measurement framework in development that will measure changes at both a strategic design group level and a locality level;
- Equalities Strategy has been revisited and updated to reflect key learning from the pandemic response;
- Produced the H&SC Communications and Engagement Strategy including a social media channel for Care and NHS;
- Community Hubs continuing - supporting residents and secured additional lottery funding;
- Revision of Covid-19 Pathways covering H&SC;
- Covid-19 Clinic established;
- Extending Homecare workforce development/ care quality improvement offer; and
- Developing social value offer for care at home sector.

#### **5.5 Health Protection**

- Testing and Contract Tracking and PPE groups have been established reporting to the Public Protection Board;
- Trafford's 10 point action plan has been developed;
- Over a million items of PPE distributed in Trafford;
- An online ordering form for PPE has been developed; and
- Establishment and recruitment of a new team to support PPE has been approved and recruited to.

#### **5.6 Education and Children's**

- A new governance structure has been developed that connects Covid-19 and Ofsted priorities with business as usual arrangements and the modernisation team continues to support the delivery of the improvement plan;
- Strengthened the systems and processes between our schools and children's social care in respect of vulnerable children;
- Focused on understanding what life is like for our children through maintaining our safeguarding processes – 90% of visits to children are face to face;
- Supported the increased number of pupils attending school including those subject to EHC plans and open to CSC – there are 85% of pupils with an EHC plan and 82% of those with a social worker; and
- Supported our schools to remain open;
- Developed and cascaded resilience and emotional wellbeing packs for children, parents and our teachers;

- Modernisation activity has been carried out, including one to one sessions with practitioners to review the current process, working alongside families, young adults and the VCSE to understand their stories. This has identified 4 key areas for focus which will be develop over the next stage;
- Activity has also been carried out to understand the data and further refine how we use it to support service delivery. The activity has generated a number of areas of development and these are being reviewed and prioritised;
- Supported the distribution of 560 laptops provided by the DfE for vulnerable students in the borough; and
- Created and delivered a new Restorative Practice virtual training programme, Leadership, Practice Development and introductory virtual pods.

## **5.7 Staffing, Digital and Modernisation**

- Ongoing staff engagement and development and supporting employee wellbeing is a key focus;
- Undertaken building risk assessments, produced revised risk assessments forms and introduced new HR policies to meet government guidance and legislative changes;
- Delivering Let's Talk and Virtual Leaders sessions;
- Developed, launched and fedback 'pulse' survey results;
- Established a cross functional sub group that continues to develop options for returning to work at our office location and making the workplace secure. Group includes key partners, health, MFT and CCG, as well as a number of enabling teams;
- A comprehensive analysis of proposed workstyles per team across the Council and Health has been undertaken;
- Delivered a home telephony solution to a number of business areas and plans continue for the roll out of MS365;
- Offered additional equipment to support homeworking including risers and keyboards, as well as headsets for staff who use Teams for meetings on a regular basis;
- Provided programme and project management support across all the recovery themes from the Modernisation team;
- Work has commenced to deliver a new delivery model for our partnership and strategic growth activity;
- Communication continues to staff, managers, members, businesses and stakeholders including media releases, business bulletins, emails, and social media; and
- Facebook advertising campaign was ran on the general health messages from Public Health England.

## **6.0 Trafford Partnership**

6.1 A Trafford Partnership Recovery Strategy has been developed which focuses on a joint action plan around the following themes; each with a designated Lead, with an ambition to try to make Trafford a better place than we were at the start of the pandemic:

- Good citizenship:
  - Providing recognition for all the great work in Trafford during Covid-19 and beyond what sometimes goes unrecognised

- Understanding and investing in what a good neighbour/citizen means in Trafford
- Building on positive experiences from Covid-19 i.e. community spirit
- Promoting a culture of people helping each other
- Business Recovery:
  - Driving and rebuilding economic recovery, business growth and regeneration
  - Ensuring local businesses thrive and town centres are vibrant
  - Supporting entrepreneurs
  - Assist sectors with the highest growth potential and also those most negatively impacted
- Employment and Skills:
  - Helping people who have lost their jobs/need to develop their skills get back into work quickly
  - Working with the education and training sectors to build skills to get people into work, training or reshape careers
  - Developing skills and employment opportunities across the borough
  - Helping to develop digital skills across the borough
- Children and Young People:
  - Providing opportunities for those negatively impacted
  - Share help and advice for parents and young people recovery strategy for Trafford has been developed with our partners.

6.2 These themes have one central focus - job creation and development – helping people to get on in life with improving their skills, obtaining employment, assisting business, and investment. Leads for each theme have been established.

6.3 The Recovery Strategy was ratified at the Partnership Board on 18th September. On 28 September a digital campaign was launched #FutureTrafford and will run for four weeks, with the aim of engaging with as many as residents, employees, pupils, stakeholders, visitors etc as possible about the future of Trafford. The purpose of the campaign is to encourage interaction and to test out the response to the key themes and extract priorities for developing the recovery plan.

## **7.0 Key Challenges in Recovery**

7.1 There are a number of challenges, including:

- Considering the implications that could occur should multiple waves of the pandemic be experienced (including the cumulative impact and sequencing of ‘response’ v ‘recovery’ activities);
- Managing resource aligned to our response activity, statutory obligations and new projects such as the Boundary Review; whilst delivering the recovery plan;
- Understanding the ongoing impacts and demand in both adults and children’s and providing the support needed i.e. responding to the impacts on our NEET population;

- Continuing to work with Further Education colleges and businesses across Trafford to ensure apprenticeship opportunities are available; including maximising the benefits of the Kickstart scheme;
- Managing the challenge of supporting art and leisure provision in Trafford, such as the Leisure Trust and Sale Waterside Arts, against a landscape of drastically reduced income and budgetary constraints;
- Continuing to review the opportunities, risks and impacts in relation to the Recovery Action Plans and developing new coping strategies;
- Reviewing and implementing new guidance that impacts on ways of working and ensuring the messaging and communications is accurate;
- Maintaining the health and wellbeing, and the safety of our staff, residents and businesses and managing the impact of Covid-19 on the workforce;
- Developing and improving data intelligence across the system;
- Accelerating the digital strategy to capitalise on delivery to date: and
- Identification of long-term issues that may not be apparent yet.

## **8.0 On-going reporting to Executive**

8.1 To ensure visibility of ongoing activity and issues, quarterly reports will be presented to the Executive.

## **9.0 Recommendation**

9.1 It is recommended that the Executive acknowledges notes the progress to date on Recovery report, in particular the information regarding Trafford Recovery Programme progress to date,

**Finance Officer Clearance** GB.....

**Legal Officer Clearance** DS.....

**CORPORATE DIRECTOR'S SIGNATURE: Sara Saleh**



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

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