

# Public Document Pack



## TRAFFORD COUNCIL

### AGENDA PAPERS FOR LICENSING SUB-COMMITTEE MEETING

Date: Thursday, 1 December 2022

Time: 6.30 pm

Place: Committee Rooms 2 & 3 Trafford Town Hall, Talbot Road, Stretford,  
Manchester, M32 0TH

Please note: To view the meeting please paste the following into your browser's  
address bar: <https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg>

| AGENDA  | PART I | Pages   |
|---|--------|---------|
| 1. ATTENDANCES  |        |         |
| To note attendances, including Officers and any apologies for absence.  |        |         |
| 2. RECONSIDERATION OF A REVIEW OF AN EXISTING PREMISES LICENCE - ASTORIA BAR AND GRILL, 32-34 FLIXTON ROAD, URMSTON, M41 5AN  |        |         |
| To consider a report of the Head of Regulatory Services.  |        |         |
| 3. URGENT BUSINESS (IF ANY)   |        | 1 - 314 |
| Any other item or items which by reason of special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency. |        |         |

**SARA TODD**  
Chief Executive

#### Membership of the Committee

Councillors D. Butt, D. Jarman and S. Thomas

## Licensing Sub-Committee - Thursday, 1 December 2022

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### Further Information

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

Miss Natalie Owen, Governance Officer

Email: [natalie.owen@trafford.gov.uk](mailto:natalie.owen@trafford.gov.uk)

This agenda was issued on **Wednesday, 23 November 2022** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, M32 0TH.

## TRAFFORD COUNCIL

**Report to:** Licensing Sub-Committee  
**Date:** 1<sup>st</sup> December 2022  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

### Report Title

**RECONSIDERATION OF A REVIEW OF AN EXISTING PREMISES LICENCE –  
ASTORIA BAR AND GRILL, 32-34 FLIXTON ROAD, URMSTON, M41 5AN**

### Summary

The Manchester Magistrates' Court made an order on the 31<sup>st</sup> October 2022 remitting an appeal against the decision of the Licensing Sub-Committee in respect of the review of the premises licence held by the Astoria Bar and Grill, 32-34 Flixton Road, Urmston, M41 5AN.

The Court had heard from the premises licence holder that John Lloyd, a police licensing liaison officer had agreed that the conditions imposed by the Licensing Sub-Committee on the application of his predecessor were capable of variation.

The Premises Licence Holder rejected the proposition that the appropriate forum for resolving his complaint was by an application to vary the premises licence and sought to vary conditions, 3, 8, 13, 14 and 34, stating that he had reached agreement with Greater Manchester Police.

The court did not consider that in such circumstances it was empowered to vary those conditions as the court could not be satisfied that the decision was wrong and there was no representative of Greater Manchester Police present to confirm the nature or extent of any variation. In such circumstances the court remitted the matter back to a Licensing Sub-Committee pursuant to section 181(2)(c) of the Licensing Act 2003. No specific direction was made as to how the matter should be disposed of by the court.

In such circumstances the Licensing Sub-Committee must re-hear the matter and consider any representations that may be made by the applicant for the initial review, Greater Manchester Police, any other authorised person or responsible authority and the premises licence holder and thereafter make such a determination as it considers necessary to promote the licensing objectives which the sub-committee could have made when determining the initial review, namely to:

- modify the conditions of the licence;

- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

No application has been made by the premises licence holder to vary the premises licence to which this application relates.

### **Recommendation(s)**

The Sub-committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.

The steps stated in Section 52(4) are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

The Sub-Committee also have the option to take no further action or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

Contact person for access to background papers and further information:

Name: Joanne Boyle  
Extension: joanne.boyle@trafford.gov.uk

## **1. BACKGROUND**

- 1.1 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 1.2 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.
- 1.3 The licensing objectives are:
- The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety
  - The protection of children from harm
- 1.4 Where a determination is made by a Licensing Sub-Committee, the applicant, the premises licence holder or any other person who made representations during the review process may appeal to a magistrates' court.
- 1.5 On appeal a magistrates' court may:
- dismiss the appeal,
  - substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
  - remit the case to the licensing authority to dispose of it in accordance with the direction of the court,

However, the court can only substitute a decision made by a Licensing Sub-Committee having taken account of the decision and any related policy and having concluded that the decision of the Licensing Sub-Committee was wrong.

- 1.6 Where a Licensing Sub-Committee's decision is appealed, any variation of the premises licence does not take effect until such time as the appeal proceedings have been disposed of.
- 1.7 The delay in the hearing of the appeal before the magistrates' court was occasioned by delays that are inherent within the court system.

## **2. APPLICATION**

- 2.1 The original application for review, the representations made during the review and the decision notice are appended to this report.

## **3. THE ORIGINAL DETERMINATION**

- 3.1 On February 3, 2022 the Licensing Sub-Committee determined:

The Sub-Committee decided that the application by Greater Manchester Police for a review is a valid application and relates to the prevention of crime and disorder and public safety.

The Sub-Committee required the Licence Holder to produce their Drugs Policy, Refusal Policy, Dispersal Policy, CCTV Policy, Training Policy and any other policies required of them by GMP, to PC Packer within 48 hours of the Sub-Committee meeting. The Licence Holder then has 21 days to comply with any amendments to these policies required by the Police Licensing Officer.

The Sub-Committee's decision is to include additional conditions as follows, to take effect under s52 at the end of the period given for appealing (21 days or if the decision is appealed against, the time the appeal is disposed of).

### Additional Conditions

#### General Conditions

1. Removal of the current door team "Securitite" to be replaced with a door security company who are members of the 'Approved Contractor Status Scheme 'ACS managed by the Security Industry Authority (SIA).
2. Notify the police and relevant authorities of the details of the ACS approved contractor Status Company when appointed and any changes made in the future.
3. No less than 5 door staff in operation on the premises each Friday, Saturday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve, and no less than 3 door staff in operation each Sunday, until 30 minutes after the terminal hour.
4. A dress code to include no caps to be worn inside the premises and any hoodies to be worn with the hood down.
5. The rear door leading to a delivery yard to be a fire exit only and not to be used for any other purpose.
6. There to be no furniture or table and chairs to the front external area after 21.00 hours.
7. No alcohol or refreshments can be consumed in any external area after 21.00 hours. No glassware or bottles may be taken in any external area.
8. Polycarbonate vessels to be used on a Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve and to be risk assessed at all other times
9. A personal licence holder will be on duty on the premises at all times from 18.00 hours on Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve until 30 minutes after the terminal hour.
10. A direct telephone number for the manager of the premises shall be available at all times to the public whilst the premises are in operation.
11. The premises licence holder shall ensure that staff at the premises are trained in respect of licensing legislation, responsible retailing, refusal of service and challenge 25 as befits their particular roles.
12. The premises licence holder shall maintain a dispersal policy dealing with matters pertaining to dispersal of customers from the premises. Door staff shall ensure customers do not congregate outside the premises whilst the premises are in

operation. A copy of the policy shall be kept at the premises and produced for inspection at the request of police or authorised officers

#### Licensable Activity

13. There shall be no admittance or re-admittance to the premises after 22.45 hours.
14. The premises to operate a strict no under 21's policy on a Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve and there shall be no under 21's on the premises from 21.00 hours until close of business except where licensable activities cease at 23.00 hours.

#### Search Policy

15. A search policy shall be in place and will include procedures for the confiscation of prohibited articles such as drugs and weapons. Searches will be conducted at the discretion of SIA registered door staff. Search policy to include random searching.

#### CCTV

16. The premises shall maintain a comprehensive CCTV system on the licensed premises.
17. CCTV cameras cover internal and external areas of the Premises and all areas where customers have legitimate access (Excluding Toilets).
18. One CCTV camera is specifically positioned to capture facial images of any persons entering the Premises at the main entrance and all other entrances where searches may be undertaken, the searches of patrons will be captured on the CCTV camera.
19. All areas are sufficiently illuminated for the purposes of the recording of CCTV images.
20. All CCTV recorded images have sufficient clarity/quality/definition to enable facial recognition to an evidential standard.
21. CCTV images are retained in an unedited format for a period of 31 consecutive days.
22. Any person left in charge of the Premises is trained in the use of any such CCTV equipment and is able to produce/download/burn CCTV images to an evidential standard.
23. CCTV is maintained on a regular basis and kept in good working order at all times and images shall be produced to the Police or Authorised Licensing Officers (Trafford Council Licensing Service) immediately upon request.
24. CCTV checked daily and a written record to be kept of such checks. If found not to be in good working order to notify the police and the Licensing Authority, and rectify the fault within 3 days.

25. The CCTV system records images at all times that any member of the public is at or on the Premises. For the purpose of this condition a "member of the public" is defined as is any person other than the DPS, Premises Licence Holder, Spouse, Partner or Employee thereof.
26. A TV monitor to be placed at the entrance relaying live images of all persons entering the Premises to the patrons.

#### Notices

27. Posters, no smaller than A4 size, are clearly and prominently displayed at the entrance and exit of the Premises stating that CCTV is in operation and that images are being captured for the purposes of crime prevention and public safety.
28. Posters no smaller than A4 size clearly and prominently displayed stating that bag searches are undertaken.
29. Posters no smaller than A4 size, clearly and prominently displayed stating Premises operate a zero tolerance policy to drugs

#### Drugs

30. If any individual is found to be in possession of a small amount of drugs for personal use following a search, the SIA registered supervisor conducting the search will advise the individual that the drugs in question will not be returned to them and that the drugs will be handed to the police for destruction.
31. The drugs seizure will be captured on the CCTV, in accordance with the CCTV condition herein.
32. Following this the date, time and name of the person who seized the drugs, together with the suspected type of drug, will be recorded in a 'Drugs Book' to be kept on the Premises and then secured within a safe on the Premises.
33. Police Officers will attend on an agreed weekly or fortnightly basis to collect any drugs from the safe for destruction, and the Officers will sign the 'Drugs Book' to confirm the drugs have been removed from the Premises and handed to the Police.

#### Door Supervisors

34. A minimum of 5 SIA licensed door supervisors shall be on duty at the premises on Friday, Saturday and on any day prior to a bank holiday, Christmas Eve, Boxing Day, and New Year's Eve. Two SIA licensed door staff to be on duty from 19.00 hours and a further 3 from 21.00 hours. Each Sunday at least two door staff to be on duty from 19.00 hours and a further one from 21.00 hours.
35. At least two of the licensed door supervisors and the manager on duty at any time shall wear body worn cameras which must be in operation at all times.
36. The premises licence holder shall risk assess the need for and the numbers of SIA licensed door supervisors required on any other night or at any other time.



37. SIA licensed door supervisors to be in radio communication at all times with the premises management staff.
38. Prior to any "designated sporting event" the premises licence holder shall ensure that a written risk assessment is undertaken assessing the need for and the numbers of SIA licensed door supervisors needed on the day of the event.
39. At least 2 SIA licensed door supervisors shall be on duty at all times at the front of the premises from 19.00 hours with at least one additional licenced door supervisors from 21.00 until 30 minutes after the last customer has left the premises.
40. Search and ID checks to be conducted within view of the CCTV camera which will be positioned at the entrance when door supervisors are on duty.
41. On departure two members of the door team to be responsible for departure of internal elements of the Premises and will undertake the departure in a controlled manner.
42. The door supervisors to all be in radio communication with one another
43. The door supervisors will encourage patrons to leave the area and encourage the use of taxi's and walking home to avoid groups congregating.
44. The Premises Licence Holder shall ensure that a record of all SIA Door Supervisors employed at the premises is kept and which includes the following details:
  - a. Full name and date of birth
  - b. 16 digit SIA badge number
  - c. Dates and times employed
45. This record, which may be electronic, shall be made available to the Police Licensing Team or Authorised Officers on request.
46. The premises will operate a search policy, including the use of search wands, from 21:00 on a Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve, and/or at such times when SIA licensed door supervisors are on duty (except where licensable activities cease at 23.00 hours) which will be operated by SIA licensed door supervisors and monitored by the premises CCTV system.
47. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests
48. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - all crimes reported to the venue
  - all ejections of patrons
  - any complaints received concerning crime and disorder

- any incidents of disorder
  - all seizures of drugs or offensive weapons
  - any faults in the CCTV system, searching equipment or scanning equipment
  - any visit by a relevant authority or emergency service
49. In the event that a serious assault is committed on the premises or in the immediate vicinity of the premises (or appears to have been so committed) the management will immediately ensure that:
- The police (and, where appropriate, the Ambulance Service) are called without delay;
  - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises
50. The Premises Licence Holder/DPS shall invite the Police Licensing Team to meet once every quarter to discuss any issues (if any) pertaining to operation of the premises.

#### Public Safety

51. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
52. The Premises Licence Holder shall operate a strict "no drugs" policy at the premises with notices advising customers of the policy clearly displayed at the entrance to the Premises.
53. The premises holder shall have in place a clear and detailed dispersal policy for the premises which all door supervisors and staff will be trained so that they are aware and undertake the process whenever the premises are open to the public.

#### The Protection of Children from Harm

54. Any child under the age of 18 years must be accompanied by an adult/parent, with no child under the age of 16 allowed at the premises beyond 20.00 hours

#### Conditions agreed with the Council's Pollution and Housing Team and Trading Standards

55. External windows to the front of the premises to be closed at 10pm Friday and Saturday nights (or any other time when a DJ is present).
56. Condition 4 of Annex 2 be removed from the licence and replaced with "Noise from music and associated sources (including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties".

57. Operate the Challenge 25 scheme 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.
58. Display prominent signage indicating at the entrance to the premises and in all areas where alcohol is located for sale that the Challenge 25 scheme is in operation.
59. Maintain a record 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 a reasonable time of a request by a Trading Standards and/or Police officer.
60. Provide training, at least once a year, to existing staff, on the law relating to underage sales of alcohol including Challenge 25 policy, and training for all new staff on the sale of age restricted products.
61. To keep written records of all training provided in respect to the law relating to underage sales of alcohol. Staff to sign and date records to confirm that the training has been received and understood. These records must be produced immediately on request to Trading standards and/or Police officers

#### SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION AND THE DETAILS OF THE SCHEDULED REVIEW HEARING

The Sub-Committee is required to ensure that the Licensing Objectives are met.

The Sub-Committee is satisfied that their decision promotes the Objectives of the prevention of crime and disorder and public safety.

The Sub-Committee is satisfied that there have been several incidents, at the premises over the past months which have compromised public safety and the prevention of crime and disorder.

The Sub-Committee is satisfied that the additional conditions are necessary to prevent crime and disorder and protect the public within the premises and in the immediate vicinity around the entrance and exit.

The Sub-Committee has balanced the interests of the licence holder with the promotion of the licensing objectives of public safety and prevention of crime and disorder.

- 3.2 During the appeal proceedings, the Premises Licence Holder rejected the proposition that the appropriate forum for resolving his complaint was by an application to vary the premises licence and sought to vary conditions, 3, 8, 13, 14 and 34, stating that he had reached agreement with Greater Manchester Police.

#### **4. KEY ISSUES**

- 4.1 The grounds for review and any representations must relate to one or more of the licensing objectives and must be relevant. Representations from interested parties may not be frivolous, vexatious or a repetition.
- 4.2 The Council will consider requests for a review of an existing premises licence if representations are made from the following:
- A Responsible Authority such as the Police and Fire Authority; or
  - Any other person
- 4.3 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.
- 4.4 The Sub-Committee should consider the relevance of the ground or grounds for review and any representations.
- 4.5 The Sub-Committee should consider whether or not any appropriate pre-review warnings have been given and/or any mediation taken place.

#### **5. RECOMMENDATION**

- 5.1 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.
- 5.2 The steps stated in Section 52(4) are:
- to modify the conditions of the licence;
  - to exclude a licensable activity from the scope of the licence;
  - to remove the designated premises supervisor;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.3 The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.
- 5.4 The Sub-Committee also have the option to leave the licence in its existing state and/or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

ATTACHED

Appendix 1 – Licensing Sub-committee Report – Astoria Review – 03/02/2022  
Appendix A – Greater Manchester Police - Application for Review

Appendix B – Greater Manchester Police - Evidence Bundle  
Appendix C – Greater Manchester Police - Supplementary Evidence  
Appendix D – Representation from the Council’s Pollution and Housing Team  
Appendix E – Representation from Trading Standards  
Appendix F - Proposed Additional Conditions – Greater Manchester Police  
Appendix G – Proposed Amended/Additional Conditions – Pollution and Housing Team  
Appendix H – Proposed Additional Conditions – Trading Standards  
Appendix I – Section 182 Guidance - Section 11 – Reviews - pages 89-94  
Appendix J - Covid-19 Regulations for Licenced Premises March 2020 - January 2022

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## **AGENDA ITEM NO.**

### **TRAFFORD COUNCIL**

**Report to:** Licensing Sub-Committee  
**Date:** 3<sup>rd</sup> February 2022  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

#### **Report Title**

**APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE – ASTORIA BAR & GRILL, 32-34 FLIXTON ROAD, URMSTON, M41 5AN**

#### **Summary**

The Licensing Authority has received an application from Greater Manchester Police requesting a review of the Premises licence held by Shaw Leisure Holding Limited on the grounds of prevention of crime and disorder and ensuring public safety.

#### **Recommendation(s)**

The Sub-committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act 2003 (if any) as it considers necessary for the promotion of the licensing objectives.

The steps stated in Section 52(4) are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three

months.

The Sub-Committee also have the option to take no further action or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

Contact person for access to background papers and further information:

Name: Joanne Boyle  
Extension: joanne.boyle@trafford.gov.uk

## 1. BACKGROUND

- 1.1 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.2 In every case, the representation must relate to the particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.
- 1.3 The licensing objectives are:
  - The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety
  - The protection of children from harm

## 2. APPLICATION

- 2.1 On the 9<sup>th</sup> December 2021 the Licensing Authority received an application from PC Karen Packer (Divisional Licensing Officer) on behalf of the Chief Constable of Greater Manchester Police for a review of the Premises Licence PL000238. The licence is held by Shaw Leisure Holding Limited for premises known as Astoria Bar and Grill, 32-34 Flixton Road, Urmston, M41 5AN. A copy of the application is attached at **Appendix A** and copy of the Police evidence bundle is attached at **Appendix B**.
- 2.2 The Police have confirmed that, in accordance with the regulations, the application was also given to the premises licence holder and responsible authorities on the same date 9<sup>th</sup> December 2021. Following receipt of the application the Authority posted notice of the application outside the premises; on the Council's website at the Council's Offices for 28 consecutive days.
- 2.3 The application is made on the grounds of preventing crime and disorder and ensuring public safety. Greater Manchester Police have requested that the Sub-Committee



review the premises licence at Astoria Bar and Grill 32-34 Flixton Road, Urmston; attach additional conditions to the licence to prevent further incidents of crime and serious disorder; and suspend the licence until confirmation is received that the conditions have been met. The proposed additional conditions are detailed in the Police evidence bundle at para.98; and have been attached to this report as a separate document for ease of reference at **Appendix F**.

- 2.4 On the 5<sup>th</sup> January 2022 PC Packer submitted details of further incidents that had occurred at Astoria since the submission of the application for review on the 9<sup>th</sup> December 2021. The supplementary evidence is attached at **Appendix C**.

### **3. REPRESENTATIONS**

- 3.1 On the 22<sup>nd</sup> December 2021 Mr Peter Belfield from the Council's Pollution and Housing Team submitted a representation in response to the application. The representation recommended an amendment to an existing condition on the licence and the addition of a further condition in relation to the licensing objective of preventing public nuisance. A copy of the full representation is attached at **Appendix D**.
- 3.2 The premises licence holder has agreed with Mr Belfield to the addition of a new condition and an amendment to an existing condition - details of which are attached separately at **Appendix G** for ease of reference.
- 3.3 On the 5<sup>th</sup> January 2022 the Licensing Authority received a representation from Janis Green, Trading Standards Officer, on behalf of the Council's Trading Standards Team. The representation recommends the addition of conditions to ensure the protection of children from harm during business operations. A copy of the full representation is attached at **Appendix E**.
- 3.4 The premises licence holder has agreed to the addition of the conditions proposed by Trading Standards and the agreed conditions are attached separately at **Appendix H**.

### **4. KEY ISSUES**

- 4.1 The grounds for review and any representations must relate to one or more of the licensing objectives and must be relevant. Representations from interested parties may not be frivolous, vexatious or a repetition.
- 4.2 The Council will consider requests for a review of an existing premises licence if representations are made from the following:
- A Responsible Authority such as the Police and Fire Authority; or
  - Any other person
- 4.3 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.
- 4.4 The Sub-Committee should consider the relevance of the ground or grounds for review and any representations.

4.5 The Sub-Committee should consider whether or not any appropriate pre-review warnings have been given and/or any mediation taken place.

## **5. RECOMMENDATION**

5.1 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.

5.2 The steps stated in Section 52(4) are:

- (a) to modify the conditions of the licence;
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months;
- (e) revoke the licence; and

for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5.3 The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

5.4 The Sub-Committee also have the option to leave the licence in its existing state and/or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

## **ATTACHED**

Appendix A – Greater Manchester Police - Application for Review

Appendix B – Greater Manchester Police - Evidence Bundle

Appendix C – Greater Manchester Police - Supplementary Evidence

Appendix D – Representation from the Council's Pollution and Housing Team

Appendix E – Representation from Trading Standards

Appendix F - Proposed Additional Conditions – Greater Manchester Police

Appendix G – Proposed Amended/Additional Conditions – Pollution and Housing Team

Appendix H – Proposed Additional Conditions – Trading Standards

Appendix I – Section 182 Guidance - Section 11 – Reviews - pages 89-94

Appendix J - Covid-19 Regulations for Licenced Premises March 2020 - January 2022

**IN THE MANCHESTER MAGISTRATES' COURT**

**CASE NO:**

**BETWEEN:**

**THE CHIEF CONSTABLE  
OF GREATER  
MANCHESTER POLICE**

**APPLICANT**

**AND**

**ASTORIA**

**RESPONDENT**

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**Astoria, 32-34 Flixton Road, Urmston, Manchester M41 5AW**

**Statement of Pc Karen Packer – Licensing Officer – Trafford District**

1. I am PC 7116 Karen Packer of the Greater Manchester Police currently stationed at Stretford Police Station, Trafford.
2. Greater Manchester Police is a responsible authority, I act under a delegated authority representing Greater Manchester Police and am authorised to make an application under section 51 Licensing Act 2003 for a standard review of the premises licence in relation to Astoria, 32-34 Flixton Road, Urmston, Manchester. M41 5AW in my capacity as licensing Officer.
3. I have 24 years' service working on the Trafford district working in various roles during my career one of which was as an operational response officer where I became familiar with the issues caused by licenced premises on the district and the locations where demand was high.
4. As a response officer, one area of the district I found myself being directed to in the evenings midweek and the early hours of a weekend was to respond to fighting or large scale disturbances at a licenced premises named Chadwick's, 32-34 Flixton Road, Urmston,
5. On 18<sup>th</sup> March 2018 I was given the role of the licensing officer covering the district of Trafford. My role involves providing guidance and information to interested parties and ensuring compliance by the licence holders. I work with licenced premises to ensure they comply with the four licensing objectives.
6. The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are taking place. Each objective is of equal importance
  - The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance
  - The protection of children from harm
7. The licensing legislation supports a number of key aims and purposes which are vitally important and should be principle aims for everyone involved in licencing work.

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licenced premises
  - Giving the police and licensing authority the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems
8. **On 22<sup>nd</sup> March 2019** I received a licensing application licence number PL000238 from the local authority for a transfer of a premises licence at the premises 32-34 Flixton Road, Urmston, from Midland Inns to Shaw Leisure Holdings Ltd with the proprietor being Mr William Shaw (William). The premises was described as a Bar & Restaurant

Licensable activities attached to the licence are as follows:

Live music - indoors - Sunday to Wednesday - 08.00 to 00.00  
Thursday to Saturday - 08.00 to 01.00

Recorded music - indoors - Sunday to Wednesday - 08.00 to 00.00  
Thursday to Saturday - 08.00 to 01.00

Dance - indoors - Sunday to Wednesday - 08.00 to 00.00  
Thursday to Saturday - 08.00 to 01.00

Facilities - Music - Indoors - Sunday to Wednesday - 08.00 to 00.00  
Thursday to Saturday - 08.00 to 01.00

Facilities - Dance - Indoors - Sunday to Wednesday - 08.00 to 00.00  
Thursday to Saturday - 08.00 to 01.00

Alcohol - On The Premises - Sunday to Wednesday - 08.00 to 00.00  
Thursday to Saturday - 08.00 to 01.00

Alcohol - Off The Premises - Sunday to Wednesday - 08.00 to 00.00  
Thursday to Saturday - 08.00 to 01.00

Late night refreshments - Sunday to Wednesday - 23.00 to 00.30  
Thursday to Saturday - 23.00 to 01.00

Opening Hours - Sunday to Wednesday - 08.00 to 00.30  
Thursday to Saturday - 08.00 to 01.30

9. I hereby exhibit a copy of the premises licence and emails mentioned above as '**KP1**'.
10. Due to the known history of the premises on **25<sup>th</sup> March 2019**, I made contact with William the owner of the premises/director of the company to arrange a meeting to

establish how much he knew of the previous premises and the problems it had caused within the area. I also wanted to know how he intended to run the premises and what preventive measures he intended to put into place to prevent the disorder that had been occurring when the premises was Chadwick's. The PLH replied providing his contact number and was looking forward to speaking.

11. **On 7<sup>th</sup> June 2019** I received an e-mail from William stating all being well he was looking at being open for mid-July, he was conscious that we had not met up and would hope to do so before he was up and running. He stated he had started talking to security firms but would appreciate a meeting prior to making a decision. William queried if he needed to purchase a drugs box or if this was supplied by GMP. He described the premises as a building site but I was more than welcome to pop in for a chat.
12. **On 26<sup>th</sup> June 2019** I attended the premises and met with William. We discussed the history of the premises and the problems it had caused in the past. We discussed the current problems on Flixton Rd and the work I had been doing with licensed premises to reduce crime and disorder and to improve public safety, I explained that I wanted Trafford to be the place to visit with a good reputation for decent licenced premises.
13. I discussed the license for Chadwick's (the previous licenced premises); and the current conditions which I felt did not promote the licensing objectives. We talked about minor variations to the license and it was agreed I would email conditions with what I believed to be appropriate to the operation of the premises with consideration of William submitting a minor variation. He was advised that if he did not submit the variation and crime and disorder occurred I would consider taking the licensed premises to a standard review where I would be seeking to have the conditions imposed on the licence by the licensing committee. William asked for my advice in relation to door staff. I advised that I was unable to nominate a door company. It was agreed to use a different door team to those that already worked on Flixton Rd to reduce the possibility of one door team having the monopoly of the area.
14. **On 27<sup>th</sup> June 2019** I emailed William referring to the above conversation with an attachment of the conditions. I suggested he voluntarily included the conditions on his licence as a variation to assist with the reduction of crime and disorder within his premises and the immediate vicinity and to assist with public safety.
15. **On 5<sup>th</sup> August 2019** I emailed William asking how he was getting on with the refurbishment and when he was likely to open. I mentioned I had not seen any paperwork and queried if he had submitted anything. He replied stating they were

getting there and for me to attend the premises and have a look as it looked completely different.

16. William stated he had just spoken to licensing who were sending him the forms to add on some of the voluntary conditions. He stated those conditions would not be on his licence but he is imposing a discretionally over 21 age limit with a dress code to filter out the rif-raff. William confirmed they were opening on Saturday 10 August 2019 with a door team (Thorem Security). He confirmed he would be on the premises all week and I was welcome to call in for a chat.
  
17. **On 7<sup>th</sup> August 2019** I attended at the premises and spoke with William and his bar manager. I informed William I had still not received any paperwork and if he did not change the licence over to a new licensee by the time Saturday came, he would not be able to sell alcohol. William stated he had submitted the paperwork to the local authority the previous day. The local authority confirmed the paperwork had been received on the 4<sup>th</sup> August with a Designated Premises Supervisor change to Rachel Mylchreest. Rachel is the partner of William.
  
18. Whilst on this visit, again we talked about the history to the premises and suggested measures to prevent crime occurring. We talked about locking the disabled toilets to prevent drug dealing. William confirmed he was having 4 door staff, 2 at the front, 1 at the back and 1 roaming. He was not allowing under 21's years to enter and there was a strict dress code, with a challenge 25. He showed me the drinks list to show they are of an average price stating the price reflected the type of clientele he was trying to attract. He also confirmed the CCTV had been serviced and covered internally and externally together with all hotspots and clarified the back door would not be accessible to the public whilst the premises were in operation. He was to speak to the door company to suggest at least one of them wore a body camera.
  
19. William confirmed he had not submitted a variation with improved conditions, this was not because he was being awkward, he advised he would get round to it.
  
20. Once the premises opened there was an exchanged of emails between the police and William and on each occasion an incident occurred William was contacted to ensure he was aware of the incident to reflect on how it occurred and if anything could be learnt from to prevent it happening again.
  
21. Below are the exchanges of emails and conversations with copies of the email threads exhibited.



**21<sup>st</sup> August 2019**

22. William called to inform me he wanted to trial a bottomless brunch in the premises and he was just letting me know. I asked if he could send me the details via email of what he was proposing.
  
23. He confirmed he did not have a set date but when he did he will let me know so I could have a look over the wording. William confirmed it would operate between 12-5 on a weekend but tables would be limited to 90 minutes and drinks would be selected. The customer would order with their server who would create a ticket which would be sent to the bar, the bar staff will make the order. The server would collect and deliver to the table. It would not be a free for all with drinks constantly being topped up.
  
24. I hereby exhibit the email thread as 'KP2'.

**16<sup>th</sup> September 2019 - Email from Karen Packer to William**

25. Saturday night an incident occurred either inside your premises or at the point that a group were leaving. Door staff pushed the customers outside onto the street and closed your front doors leaving the group to fight amongst themselves.
  
26. One of your door staff is seen to walk out from the back of your premises and to the side of Get Chucked, peek at the group who had just left then sneak back round to the rear of your premises.
  
27. You are responsible for your customers and throwing them out onto the street, expecting the police to pick it up is not acceptable.
  
28. Can you please speak to your door team and explain that they take responsibility for what goes on not only inside but also outside if they are your customers.
  
29. I hereby exhibit the email thread as 'KP3'.

**21<sup>st</sup> October 2019 - Email received from William**

30. We had a minor incident Saturday night whereby a customer was ejected and then engaged in some shoving with one of the door team.
  
31. As I was next to the incident inside the premises I feel that all this could have been avoided were it not for the approach taken by one of the door team.
  
32. As such, we have decided to change the team as I am not completely comfortable

with them. This will come into effect at the start of November.

33. Furthermore, we had a visit Friday night from licensing. Myself and Rachel were in Altrincham at the time visiting her family but we did come back immediately however they had already left. I am told everything was fine but I just wanted to make sure that it was simply routine and if there were any issues would we be able to have a conversation about this?
34. I replied asking if this was the second door team he had employed since opening the premises or if he had just changed one of that team. I also advised the visit was routine, I had requested the licensing bus complete a visit; no issues had been reported back. I advised they would visit again over the next few weeks with Christmas coming up.
35. I hereby exhibit the email thread as 'KP4'.

**21<sup>st</sup> October 2019**

36. William phoned to tell me about an incident whereby two males had tried to gain entry using a police warrant card, he was asked to reserve the CCTV and I would collect it.
37. A follow up visit was made to the premises by me and my Sergeant to view the CCTV to establish if we could identify the two males. We were met by William and a male he introduced as his CCTV technician. William said unfortunately the CCTV hard drive had corrupted during recording and therefore no recording had taken place. He was unable to show me the footage. He assured me this is the first time he had tried to play the CCTV back since opening the premises so was not aware of the fault but his technician was going to replace the hard drive and it would be working by the end of that week.

**16<sup>th</sup> November 2019 - Email received from William**

38. I have just WhatsApp you the correlating CCTV footage from an incident last night with the local gypsy family - [REDACTED] They have been making threats that this is their street and they own it. One was refused entry last night for wearing his hi visibility work attire.
39. Unfortunately my door supervisor was then set upon by 5-6 of them and taken to hospital with very serious injuries. I have reported this morning and am now waiting for a resolution officer to contact me.
40. This is not the first time they have been in and caused trouble. When they return we

will simply call 999. We don't want them in.

41. Are you available this week to come and see us as I am worried that this could escalate? We have security but they're not there to just fight. I do believe that this issue now requires police intervention.
42. I hereby exhibit the email thread as 'KP5'.
43. On 18<sup>th</sup> November 2019 I followed the above up with a call. William was not happy that police did not patrol Urmston/Flixton on a Saturday night; he felt that they did not get the police support. I explained the incident grading system and that police do not have the resources to sit on Flixton Road. William stated he had been speaking to most of the managers on Flixton Road and they are to write to their MP.

**22<sup>nd</sup> November 2019**

44. Police patrols gave passing attention to the premises and made themselves known to the door staff and the licensee

**28<sup>th</sup> November 2019 - Email received from William**

45. William was thankful the patrols had visited the premises; his licence stated that he only needed two door staff but he always has at least three. This week he had three per night. Christmas eve and New Year's Eve he will be stepping up to either 4 or 5
46. William had submitted a temporary event for the Christmas period to close the premises at 3am and believed this would also give him an extra half hour drinking up time.
47. I hereby exhibit the email thread as 'KP6'.
48. During a phone call to discuss the temporary event I informed William due to the issues the premises were experiencing and the conflict on Flixton Road I would be submitting an objection to the temporary event for the late licence to the local authority. After a discussion it was agreed between William and the police the premises could have an extension till 2am on the dates requested with confirmation a minimum of 3 door staff would be on duty at all times.

**Monday 30<sup>th</sup> December 2019**

49. Rachel and William attended at Stretford Police Station on the request of myself to discuss the disorder being caused at Astoria.

50. The following day I emailed Rachel and William with the contents of that conversation and again addressed a variation with controlled conditions. William responded stating he will go through this and respond as soon as possible.

51. I hereby exhibit the email thread as 'KP7'.

**2<sup>nd</sup> January 2020**

52. I phoned William asking him how he felt New year's Eve went. William confirmed it went better. The door staff had been briefed re the clientele. Toilet checks had been done and drugs had been found. They had a radio link between the staff and search wands had been ordered. William had moved the smokers to the rear of the premises to prevent groups forming at the front door. The local taxi company had been contacted and they were to install a button for ease of access, they will form up outside. Water had been issued out by staff and accepted by some. The bar staff had been briefed not to serve drunks. William stated he and Rachel felt more in control

**3<sup>rd</sup> January 2020 - Email from William**

53. Sorry to keep emailing you but we are constantly thinking of things to improve the area one of which is the implementation of a pub watch along with the other bars.

54. Something we would like to raise is the positioning of a police car/van on a night. We are aware you have said you do not have the resources for this but do you know what the associated cost would be for this and then we can raise it with everyone else?

55. I responded by informing William the police would not be able to provide an officer paid for privately to patrol an area of licenced premises. The responsibility is for the licenced premises to manage the four licensing objectives of Crime and Disorder, Public Safety, Public Nuisance and Protect Children from harm. I confirmed the purpose of the Security Industry Authority is to assist venues to prevent crime and disorder and to ensure that people who are not welcome do not enter the premises. If the clientele, policies and procedures are followed and licensing conditions enforced it should be the case that crime and disorder is very minimal.

56. I hereby exhibit the email thread as exhibit 'KP8'.

**12<sup>th</sup> January 2020 - Email received from police officers**

57. Officers stated they had been unable to obtain the footage from the incidents in December. After several negative attempts officers attended at the premises and

spoke with William who stated he had been having problems with the CCTV and the recorder was defective leaving him unable to download, view or save the footage. The engineer will arrange a new hard drive. The officer advised William we will arrange for the police technical unit to attend and retrieve the footage. William responded "Hopefully it's not been replaced then"

58. The officer formed the opinion William did not wish to provide the footage as he didn't want to be involved in an argument between the travellers and the door company. The officer stated it was his bet by the time the police had obtained the recorder; it would either have been wiped or replaced.

59. I hereby exhibit the email thread as exhibit 'KP9'.

**15<sup>th</sup> January 2020 - Email from Karen Packer to William and Rachel**

60. I have received information from officers regarding the CCTV issues which related to the assault at your premises. We discussed your CCTV before Christmas regarding two males who reported to be officers trying to gain entry. Your CCTV was not working then and you assured me it would be repaired or replaced. The police now have to arrange for GMP technical engineers to attend to make attempts to recover the footage. We have discussed your licensing conditions prior to and since opening without any changes being made.

I advised I would be submitting a review of the premises Astoria to the local authority for consideration of a committee hearing.

61. I hereby exhibit the email thread as exhibit 'KP10'.

**21<sup>st</sup> January 2020**

62. Greater Manchester Police Technical services attended the premises to try and obtain the footage relating to the Christmas assaults. The Technician reported the DVR has an overwrite period of 14 days. The earliest footage stored was 8<sup>th</sup> January meaning the footage for the Christmas assaults had been lost.

**11<sup>th</sup> July 2020**

63. I was on duty working a licensing operation with Sergeant Young. The purpose of the operation was to visit licenced premises across the district to ensure Covid compliance and to discuss any issues they may have.

64. At approximately 22.30 hours we attended at Astoria where we spoke to William. On arrival we noted the queuing system outside with approximately 15/20 customers on the footpath. Inside William was serving behind the bar. Whilst

speaking to William I asked if those outside were likely to be allowed entry to which he said no they were full. I asked him to speak to his door staff and remove those queuing and send them away which he did. I also suggested closing the doors and only allowing those inside to remain, and refuse entry to others. William said he would do that. Whilst we were leaving the door staff appeared to be having issues with a group of males outside. William stated the males are there every week and cause him problems. I asked over the police radio for uniformed police patrols to attend the location should they be required.

65. The following day around lunchtime again I along with Sergeant Young attended Astoria where we spoke to William. We discussed how other premises were operating and how they were managing financially. We talked about how premises since Covid had noticed a financial increase during the day rather than opening late at night. We got talking about my own daughter who is 18 years and had just started visiting bars; He asked if I would allow my daughter to drink in his premises to which I replied No. I asked him if he had a child would he be comfortable allowing them to drink in his premises, he also said no. We talked about the disorder in the premises which was being run as a nightclub at weekends. Will stated his intentions were not to operate as a night club, he wanted it to be more of a restaurant/bar. We left William with various options/suggestions as to how he could look at improving his venue.

66. I hereby exhibit the statement of Sergeant Young as exhibit 'KP11'.

**24th July 2020 - Email from Karen Packer to Rachel and William**

67. As you will be aware since the opening of licenced premise post Covid, your premises continues to place a high demand on the emergency services with reports of fights occurring outside your premises.

68. The licensing objectives of Crime & Disorder and Public Safety are not being met.

69. We recently discussed possible options of how to reduce disorder but there does not appear to be any reduction in the incidents occurring.

70. Having tried to work with you since the opening of the premises, the police are now in a position where we have no option than to collate the evidence to submit to the local authority for consideration of a review hearing.

71. Please give me a call to discuss further when you are free.

72. I hereby exhibit the email thread as 'KP12'

**24<sup>th</sup> July 2020 - Response from William**

73. Apologies for the late reply. We were closed today whilst we undertook a deep clean and had contractors in sanitising the whole venue. I am free during the day tomorrow if that suits you?

74. I note that you reference trying to work with us since the opening of the premises. I would like it to be known that we have always been amenable and approachable in the sharing of information, expertise and advise when it comes to carrying out the licensing objectives. This being evidenced in the fact that since the reopening of the premises we have cut short our trading hours on a Friday and Saturday night, something that you and your inspector (?) thanked me for. Coupled with the shorter trading hours, upon your advice we did not permit any entry after 22:45 in order to alleviate a queue forming and people milling about on the street. This was explained to sergeant Hunt last week when he came to speak to us about two males who had caused a scene outside, both of which were not patrons of ours and had not and did not gain entry to our premises before or after their altercation. I believe one of these males was also on top of a vehicle but the officers present did not feel this warranted an arrest.

75. The real issue that I see is the large gatherings of people who for some reason enjoy standing around on the street generally making the place look unsightly. With this in mind myself and Rachel will be sitting down with our door team and drawing up a more robust dispersal policy which we will be shared with yourselves. If you have anything you may want to add to this then please send over and we will see what we can do.

76. As I said in our very first conversation, we will always be approachable to speak to and would much rather work with the police and licensing in respect of the objectives than against them. I appreciate that dispersal needs tightening up and this is now our main priority. However, not everyone on that street and seen on camera are customers of ours. There is a lot of anti-social behaviour that goes on up and down Flixton Road and just because we happen to be the last one open does not make it, always, our fault.

77. I hereby exhibit the email thread as exhibit 'KP13'.

78. In August 2020 I was unfortunate enough to catch the Coronavirus disease and was forced to work from home with limited operational equipment. During this time I was restricted from certain duties which caused difficulties from proceeding with the review of Astoria. I was deemed fit for operational duties in April 2021 but

remained working from home until very recently.

79. On 15<sup>th</sup> September 2021 I attended at Astoria and spoke to William Shaw, I asked to see the signing in book relating to the door staff. William showed me a book that should contain all door staff details. Recorded was only 4 numbers for each individual which William confirmed were part of the SIA badge numbers. I was unable to identify any door staff by the details recorded. William stated a member of staff from the Security Industry had called into the premises weeks prior to and requested that the full details of the door staff were recorded, William believed this was being complied with and could not explain why it was not.
80. **On 26<sup>th</sup> October 2021** I made contact with William over the phoned and advised him that I was now in a position to proceed with a review as it was evident that disorder was continuing. I advised him what my review would contain and described the issues that I felt needed addressing.
81. I advised William of the intelligence that GMP held on their system regarding the door staff, I also mentioned that police had received information that the DPS Rachel Mylchreest was no longer acting in that capacity for the premises. William confirmed she was and he would get Rachel to contact me. The following day I received a call from a female who confirmed she was Rachel Mylchreest. Rachel confirmed she remains the DPS at the premises but admitted she has a day job and is not normally on the premises at weekends. Rachel stated a female living on the premises of Astoria was completing her personal licence course and in time she would be taking over as the DPS, William further confirmed this.

### Incidents

1. Monday 15<sup>th</sup> November 2021 - Damage to windows at Astoria
2. 3586 - Saturday 13<sup>th</sup> November 2021 - 3586 @ 23.18 hours
3. 0273 - Saturday 23<sup>rd</sup> October 2021 - 0273 @ 01.28 hours
4. 0188 - Sunday 19<sup>th</sup> September 2021 @ 00.46 hours
5. 000105 - Sunday 12<sup>th</sup> September 2021 @ 00.28 hours
6. 000483 - Thursday 9<sup>th</sup> September 2021 @ 04.17 hours
7. 003083 - Wednesday 21<sup>st</sup> July 2021 @ 22.24 hours
8. 004151 - Friday 14<sup>th</sup> August 2020 @ 23.33 hours
9. 0682039/20 - Friday 24<sup>th</sup> July 2020 @ 00.19 hours
10. 0662692/20 - Saturday 18<sup>th</sup> July @ 00.17 hours
11. 0640272/20 - Saturday 11<sup>th</sup> July 2020 @ 01.22 hours
12. 0129196/20 - Sunday 9<sup>th</sup> February 2020 @ 02.17 Hours
13. 0575134/19 - Saturday 28<sup>th</sup> December 2019 @ 02.18
14. 0574050/19 - Thursday 26<sup>th</sup> December @ 23.30 hours
15. 0512444/19 - Sunday 8<sup>th</sup> December @ 00.49 hours



- 16. 0441914/19 - Friday 15<sup>th</sup> November 2019 @ 23.00
- 17. 0417696/19 - Saturday 9<sup>th</sup> November 2019 @ 01.24 hours

82. I have provided a list of incidents recorded against Astoria that mainly relate to incidents of violence. Each incident has been thoroughly scrutinised to identify the link between the incident and the premises or directly outside and in the vicinity. Those directly outside have been witnessed by Trafford council CCTV that persons responsible have come from the entrance to the premises. I have provided a copy of those logs which have been edited to remove personal or sensitive information.

83. I hereby exhibit the incident log as exhibit '**KP14**'.

84. I also made notes after a number of the visits and hereby exhibit the notes as '**KP15**'.

#### CCTV

85. Over the past two months I have attended several times at Trafford Council CCTV Control room to view footage stored on their system relating to incidents outside Astoria. I have produced 5 recent incidents from Saturday 24<sup>th</sup> July to Saturday 13<sup>th</sup> November 2021 to show the scale of the disorder outside the premises. It should be noted the times of these incidents occur after Midnight on each occasion. I have provided footage of an incident dated 26<sup>th</sup> December 2019 which related to an incident at the rear of the premises where police attended. This does not show the incident but provides an overview to show the committee how the premises operates as a nightclub and continues to do so. These incidents have been compiled on a disc which will be produced to the committee for viewing and will be served on the premises.

#### Intelligence Recorded Against Astoria

86. **October 2021** - The licensee of Astoria Bar is being bullied and coerced in his role as a licensee. He has no control over his bar and people that run it on his behalf have complete control.

87. There are known drug dealers frequenting the establishment as well as known offenders who have been barred from most other places

88. **July 2021** - A security company named Securitite is run by local brothers. They provide security for the doors at Astoria which are licenced premises in Urmston. Fights occur every weekend inside Astoria but go unreported due to threats being made by the brothers. The brothers are dealing drugs from Astoria.

89. **June 2021** - There are drugs being openly used and dealt in The Chadwick Bar (Astoria), Flixton Rd. This is taking place in the main bar and toilets. Local drug dealers are being allowed to sell drugs in the bar by the bouncers especially a bouncer who runs the "door" and allows certain individuals to sell illegal substances.

### Conclusion

90. It is evident this premises operates as a bar with a restaurant function on weekdays but on Friday, Saturday and Sunday the premises operates as a night club. It is on these days that incidents of crime and disorder occur.

91. From the evidence provided it is clear the door staff have not performed to a level which is expected. They have failed to monitor customers entering and leaving and there does not appear to be any structure as to who is allowed entry. Door staff have failed to act when incidents have occurred outside. They have failed to present themselves at egress stage to monitor the exit procedures.

92. On 16<sup>th</sup> November 2019 William raised concerns that the [REDACTED] were making threats and wanted to control the street, he stated they were responsible for the assault on his door staff. Only recently intelligence suggests the premises have been taken over by a group who are controlling the doors.

93. **Incident 4** - Relates to Fighting ongoing. One male hitting other people, male still outside Astoria. One male who was being beaten has got into a car saying they were coming back. Informant says the male who was hitting everyone is a male called [REDACTED] who runs the doors at Astoria.

94. Door staff are permitted to use reasonable force to eject individuals from a premises to control a situation. The CCTV footage does not show [REDACTED] who is wearing a white top wearing anything that would identify him as door security. From CCTV [REDACTED] can be seen assaulting members of the public.

95. In relation to the way the premises operated on New Year's Eve in 2019 William and Rachel confirmed by having regular toilet checks drugs were found, a radio link between door staff with search wands ordered, smokers moved away from the entrance, water had been issued and a full briefing of expectations with staff that the premises appeared to run smoothly with William and Rachel feeling like they had more control.

96. The premises have been approached and asked on several occasions to submit a variation to amend the conditions of the licence to comply with the licensing objectives which they have failed to do.
97. The role of a designated premises supervisor (DPS) is the person who has day to day responsibility of running the premises; they should also act as the primary contact for local government and the police. Rachel Mylchreest the DPS, has confirmed she holds down a full time job and is not on the premises particularly at weekends and when the disorder is taking place. The exhibited emails shared between myself and the premises suggest it is the premises owner/director who appears to be running the premises. Officers have confirmed when attending incidents of disorder neither the DPS nor the premises owner/director have been on site.
98. Greater Manchester Police would therefore request consideration is given by the committee to review the premises licence at Astoria 32-34 Flixton Road, and to consider implementing the following conditions on the licence, and in the meantime suspend the licence until confirmation is received that the conditions have been complied with to prevent further incidents of crime and serious disorder.

#### **General Conditions**

- Removal of the current door team "Securitite" to be replaced with a door security company who are members of the 'Approved Contractor Status Scheme 'ACS managed by the Security Industry Authority (SIA).
- Notify the police and relevant authorities of the details of the ACS approved contractor Status Company when appointed and any changes made in the future.
- No less than 6 door staff in operation on the premises each Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve until 30 minutes after the terminal hour.
- Removal of the current Designated Premises Supervisor.
- A dress code to include no hoodies or caps to be worn inside the premises.
- The rear door leading to a delivery yard to be a fire exit only and not to be used for any other purpose.
- There to be no furniture or table and chairs to the front external area.

- No alcohol or refreshments can be consumed in any external area. For the purposes of off sales, alcoholic drinks and refreshments must be in a sealed container and consumed away from the premises.
- Polycarbonate vessels and plastic bottles only to be used on a Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve and to be risk assessed at all other times
- No vertical drinking will be permitted. Customers must be seated to consume alcohol
- A personal licence holder will be on duty on the premises at all times from 18.00 hours on Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve until 30 minutes after the terminal hour.
- A direct telephone number for the manager of the premises shall be available at all times to the public whilst the premises are in operation.
- The premises licence holder shall ensure that staff at the premises are trained in respect of licensing legislation, responsible retailing, refusal of service and challenge 25 as befits their particular roles.
- The premises licence holder shall maintain s dispersal policy dealing with matters pertaining to dispersal of customers from the premises. Door staff shall ensure customers do not congregate outside the premises whilst the premises are in operation. A copy of the policy shall be kept at the premises and produced for inspection at the request of police or authorised officers

#### **Licensable Activity**

- Licensable activities to cease at Midnight
- The premises to close at 00.30 hours
- There shall be no admittance or re-admittance to the premises after 22.45 hours.
- The premises to operate a strict no under 21's policy on a Friday,

Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve and there shall be no under 21's on the premises from 21.00 hours until close of business except where licensable activities cease at 23.00 hours.

- A challenge 25 proof of age scheme shall be operated at the premises where only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

### **Search Policy**

- A search policy shall be in place and will include procedures for the confiscation of prohibited articles such as drugs and weapons. Searches will be conducted at the discretion of SIA registered door staff. Search policy to include random searching.

### **CCTV:**

- The premises shall maintain a comprehensive CCTV system on the licensed premises.
- CCTV cameras cover internal and external areas of the Premises and all areas where customers have legitimate access (Excluding Toilets).
- One CCTV camera is specifically positioned to capture facial images of any persons entering the Premises at the main entrance and all other entrances where searches may be undertaken, the searches of patrons will be captured on the CCTV camera.
- All areas are sufficiently illuminated for the purposes of the recording of CCTV images.
- All CCTV recorded images have sufficient clarity/quality/definition to enable facial recognition to an evidential standard.
- CCTV images are retained in an unedited format for a period of 31 consecutive days.
- Any person left in charge of the Premises is trained in the use of any such CCTV equipment and is able to produce/download/burn CCTV images to an evidential standard.
- CCTV is maintained on a regular basis and kept in good working order at all times and images shall be produced to the Police or Authorised Licensing Officers (Trafford Council Licensing Service) immediately upon request.
- CCTV checked daily and a written record to be kept of such checks. If found not to be in good working order to notify the police and the Licensing Authority, and rectify the fault within 3 days.

- The CCTV system records images at all times that any member of the public is at or on the Premises. For the purpose of this condition a “member of the public” is defined as is any person other than the DPS, Premises Licence Holder, Spouse, Partner or Employee thereof.
- A TV monitor to be placed at the entrance relaying live images of all persons entering the Premises to the patrons.

**Notices:**

- Posters, no smaller than A4 size, are clearly and prominently displayed at the entrance and exit of the Premises stating that CCTV is in operation and that images are being captured for the purposes of crime prevention and public safety.
- Posters no smaller than A4 size clearly and prominently displayed stating that bag searches are undertaken.
- Posters no smaller than A4 size, clearly and prominently displayed stating Premises operate a zero tolerance policy to drugs

**Drugs:**

- If any individual is found to be in possession of a small amount of drugs for personal use following a search, the SIA registered supervisor conducting the search will advise the individual that the drugs in question will not be returned to them and that the drugs will be handed to the police for destruction.
- The drugs seizure will be captured on the CCTV, in accordance with the CCTV condition herein.
- Following this the date, time and name of the person who seized the drugs, together with the suspected type of drug, will be recorded in a ‘Drugs Book’ to be kept on the Premises and then secured within a safe on the Premises.
- Police Officers will attend on an agreed weekly or fortnightly basis to collect any drugs from the safe for destruction, and the Officers will sign the ‘Drugs Book’ to confirm the drugs have been removed from the Premises and handed to the Police.

**Door Supervisors**

- A minimum of 6 SIA licensed door supervisors shall be on duty from 19.00 hours at the premises on Friday, Saturday and Sunday and on any day prior to a bank holiday, Christmas Eve, Boxing Day, and New Year's Eve.
- At least 50% of the licensed door supervisors on duty at any time shall wear body worn cameras which must be in operation at all times.
- The premises licence holder shall risk assess the need for and the numbers of SIA licensed door supervisors required on any other night or at any other time.
- SIA licensed door supervisors to be in radio communication at all times with the premises management staff.
- Prior to any "designated sporting event" the premises licence holder shall ensure that a written risk assessment is undertaken assessing the need for and the numbers of SIA licensed door supervisors needed on the day of the event.
- At least 2 SIA licensed door supervisors shall be on duty at all times at the front of the premises from 19.00 hours with an additional 2 licensed door supervisors from 21.00 until 30 minutes after the last customer has left the premises.
- Search and ID checks to be conducted within view of the CCTV camera which will be positioned at the entrance when door supervisors are on duty.
- On departure two members of the door team to be responsible for departure of internal elements of the Premises and will undertake the departure in a controlled manner.
- The door supervisors to all be in radio communication with one another
- The door supervisors will encourage patrons to leave the area and encourage the use of taxi's and walking home to avoid groups congregating.
- The Premises Licence Holder shall ensure that a record of all SIA Door

Supervisors employed at the premises is kept and which includes the following details:

- a. Full name and date of birth
  - b. 16 digit SIA badge number
  - c. Dates and times employed
- This record, which may be electronic, shall be made available to the Police Licensing Team or Authorised Officers on request.
  - The premises will operate a search policy, including the use of search wands, from 21:00 on a Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve, and/or at such times when SIA licensed door supervisors are on duty (except where licensable activities cease at 23.00 hours) which will be operated by SIA licensed door supervisors and monitored by the premises CCTV system.
  - All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests
  - An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
    - all crimes reported to the venue
    - all ejections of patrons
    - any complaints received concerning crime and disorder
    - any incidents of disorder
    - all seizures of drugs or offensive weapons
    - any faults in the CCTV system, searching equipment or scanning equipment
    - any visit by a relevant authority or emergency service
  - In the event that a serious assault is committed on the premises or in the immediate vicinity of the premises (or appears to have been so committed) the management will immediately ensure that:
    - The police (and, where appropriate, the Ambulance Service) are called without delay;
    - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
    - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
    - Such other measures are taken (as appropriate) to fully protect the



safety of all persons present on the premises

- The Premises Licence Holder/DPS shall invite the Police Licensing Team to meet once every quarter to discuss any issues (if any) pertaining to operation of the premises.

### **Public Safety**

- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The Premises Licence Holder shall operate a strict "no drugs" policy at the premises with notices advising customers of the policy clearly displayed at the entrance to the Premises.
- The premises holder shall have in place a clear and detailed dispersal policy for the premises which all door supervisors and staff will be trained so that they are aware and undertake the process whenever the premises are open to the public.

### **The Protection Of Children From Harm**

- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
- A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
- Any child under the age of 18 years must be accompanied by an adult/parent, with no child under the age of 16 allowed at the premises beyond 20.00 hours

Signed: PC 07116 Packer rank/pin/name)

Date/Time: - 6th December 2021

Licensing Act 2003

# Premises Licence

## PL000238



### Part 1 – Premises Details

#### POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

##### **Astoria Bar and Restaurant**

32 - 34 Flixton Road, Urmston, Manchester, M41 5AN

Telephone : 0161 755 3917

#### WHERE THE LICENCE IS TIME LIMITED, THE DATES

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE AND THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

|                              |   |
|------------------------------|---|
| Live Music - Indoors         | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Recorded Music - Indoors     | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Dance - Indoors              | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Facilities - Music - Indoors | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Facilities - Dance - Indoors | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Alcohol - On the premises    | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Alcohol - Off the premises   | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Late Night Refreshments-     | Sunday to Wednesday - 23:00 to 00:30  |

Licensing Act 2003

# Premises Licence

## PL000238



### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE AND THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Indoors

Thursday to Saturday - 23:00 to 01:00

### THE OPENING HOURS OF THE PREMISES

Sunday to Wednesday - 08:00 to 00:30

Thursday to Saturday - 08:00 to 01:30

### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES

The sale of alcohol for consumption ON & OFF the premises.

### Part 2

### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE AVAILABLE) OF LICENCE HOLDER

Shaw Leisure Holding Ltd  
The Boiler House, Holdworth Road, Halifax, HX3 6SN



### REGISTERED NUMBER OF HOLDER, WHERE APPLICABLE (E.G. COMPANY NUMBER, CHARITY NUMBER)

11780437

### NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Miss Rachel Amanda Mylchreest



Telephone



### PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Licence No: PA071989

Issued by : Trafford



**ANNEXES**

**These conditions should be read in conjunction with plan referenced PL0238-23032011**  
Annex 1 – Mandatory Conditions

**MANDATORY CONDITIONS**

1. No supply of alcohol may be made under the premises licence:

(a) At a time when there is no designated premises supervisor in respect of the premises,

or

(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. Where the 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.

**ADDITIONAL MANDATORY CONDITIONS (28<sup>th</sup> May 2014)**

4. 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.

5. For the purposes of the condition set out in paragraph 1:

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

(b) "permitted price" is the price found by applying the formula

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

Where

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol

and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol



- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
6. 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.
7. (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.

**ADDITIONAL MANDATORY CONDITIONS (1<sup>st</sup> October 2014)**

8. (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 purposes of encouraging the sale or supply of alcohol for consumption on the premises:
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)



- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
9. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
10. (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
11. The responsible person must ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
    - (i) beer or cider: ½ pint

Licensing Act 2003

# Premises Licence

## PL000238



- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

- (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

### Annex 2 – Conditions Consistent with the Operating Schedule

1. Any door supervisors employed at the discretion of the management of the premises shall be licensed by the Security Industry Authority (SIA) in accordance with the Private Security Industry Act 2001.
2. CCTV shall be installed and maintained at the premises. The number and location of the cameras to be agreed with the police from time to time.
3. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and leave the premises and area quietly.
4. Music and associated sources (including DJ's and amplified voices) should generally not be audible inside noise sensitive properties at any time.

### Annex 3 – Conditions Attached After a Hearing of the Licensing Committee

None

*[Handwritten signature]*

**Signature of Authorised Officer**



Licensing Act 2003

# Premises Licence Summary

## PL000238



### POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

#### Astoria Bar and Restaurant

32 - 34 Flixton Road, Urmston, Manchester, M41 5AN  
Telephone : 0161 755 3917

### WHERE THE LICENCE IS TIME LIMITED, THE DATES

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE AND THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

|                                     |   |
|-------------------------------------|---|
| Live Music - Indoors                | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Recorded Music - Indoors            | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Dance - Indoors                     | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Facilities - Music - Indoors        | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Facilities - Dance - Indoors        | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Alcohol - On the premises           | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Alcohol - Off the premises          | Sunday to Wednesday - 08:00 to 00:00<br>Thursday to Saturday - 08:00 to 01:00 |
| Late Night Refreshments-<br>Indoors | Sunday to Wednesday - 23:00 to 00:30<br>Thursday to Saturday - 23:00 to 01:00 |

Licensing Act 2003

# Premises Licence Summary

## PL000238



### THE OPENING HOURS OF THE PREMISES

Sunday to Wednesday - 08:00 to 00:30  
Thursday to Saturday - 08:00 to 01:30

### WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES

The sale of alcohol for consumption ON & OFF the premises.

### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE AVAILABLE) OF LICENCE HOLDER

Shaw Leisure Holding Ltd  
The Boiler House, Holdworth Road, Halifax, HX3 6SN



### REGISTERED NUMBER OF HOLDER, WHERE APPLICABLE (E.G. COMPANY NUMBER, CHARITY NUMBER)

11780437

### NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Miss Rachel Amanda Mylchreest

### PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Licence No: PA071989

Issued by : Trafford

### STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No restrictions.

*[Handwritten signature]*

Signature of Authorised Officer



**Karen Packer**

---

**From:** Karen Packer  
**Sent:** 27 June 2019 09:52  
**To:** 'Will Shaw'  
**Subject:** RE: Chadwick's, Urmston  
**Attachments:** Chadwicks - Astoria.docx

Morning Will.

Referring to our conversation yesterday I have attached a list of conditions we would impose if we were taking your premises for a review.

Have a look at them and see what you are prepared to add as voluntary conditions to be followed up by you for a minor variation. You can do this when you submit your change of premises name / Licence holder details. If you have other conditions of your own, no problems adding them on.

One other thing I forgot to mention if it applies. If you have a disabled toilet, can it have a lock on it with a note that the key is behind the bar. This prevents groups going into the toilet to deal.

Give me call when you have an opening date and feel free to contact me at any time. If I am not on duty I will get back to you however my mobile has a voicemail if you wish to leave a message.

Many Thanks

Karen



PC 7116 Karen Packer  
M Trafford District Licensing Officer  
Stretford Police Station  
External 0161 856 7745  
GMP Mobile: 07393 468774  
[mail.karen.packer@gmp.pnn.police.uk](mailto:karen.packer@gmp.pnn.police.uk)

**Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321**

① **From:** Will Shaw [mailto: [REDACTED]]  
**Sent:** 07 June 2019 15:51  
**To:** Karen Packer  
**Subject:** Re: Chadwick's, Urmston

Afternoon Karen

Hope you're well?

All being well we are looking at being open for mid-July.

I'm conscious that we haven't met yet and would hope to do so before we are up and running.

I have started talking to security firms but would appreciate sitting down with you prior to making a decision.

I would also like a drug box. I don't know if I have to purchase this or if this is supplied by GMP?

The place is a building site at the moment but you're more than welcome to pop in and have a cup of tea and a chat.

Regards

Will

Sent from my iPhone

On 25 Mar 2019, at 09:01, [Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk) wrote:

Good Morning,

I have received the application to transfer the premises licence.

Can you please provide me with a contact so I can discuss the future of Chadwick and what the proposals are.

Many Thanks

Karen

<image001.png>

PC 7116 Karen Packer  
M Trafford District Licensing Officer  
Stretford Police Station  
External 0161 856 7745  
GMP Mobile: 07393 468774  
[Email.karen.packer@gmp.pnn.police.uk](mailto:Email.karen.packer@gmp.pnn.police.uk)

**Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321**

To contact the police in an emergency call 999 or to contact Greater Manchester Police for a less urgent matter call 101.

For the latest news and information about your Neighbourhood Policing Team visit [www.gmp.police.uk](http://www.gmp.police.uk). You can also follow us on Twitter: [www.twitter.com/gmpolice](https://www.twitter.com/gmpolice) or find us on Facebook: [www.facebook.com/GtrManchesterPolice](https://www.facebook.com/GtrManchesterPolice) , Flickr: [www.flickr.com/gmpolice1](https://www.flickr.com/gmpolice1) or YouTube: [www.youtube.com/gmpolice](https://www.youtube.com/gmpolice)

You can find your local policing team on social media at [www.gmp.police.uk/socialmedia](http://www.gmp.police.uk/socialmedia). Download our smartphone app from the App Store or Google Play [www.gmp.police.uk/apps](http://www.gmp.police.uk/apps)

## GENERAL

- All bar and front of house staff to wear recognizable premises related clothing (uniform) when licensable activities are conducted
- On Fridays and Saturdays there shall be no admission or re-admission to the premises in the last hour of trade;
- An incident book, or record, will be kept and maintained at the premises. Each entry made shall carry the day, date and time that each report was made and pages shall carry consequential numbering.
- The incident book to be retained at the premises and made available to the officer upon request.
- Name and contact details (mobile phone) of SIA registered door staff or manager making entries to be included;
- The incident book shall record the following: Details of any crime and disorder, ejections, violence, drug or weapon seizures to feature.
- Refusal log to be retained at the premises and records to be made available to officers upon requests.
- An age challenge scheme for use when alcohol sales are involved (Challenge 25) shall be in use at all times licensable activities are undertaken. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
- Toilet checks, after 8pm, on Fridays and Saturdays, will be conducted no less than once per hour, at irregular intervals, to deter patrons from illegal activity.
- A register of toilet checks will be kept at the premises throughout the trading period;
- No open drinks or containers are permitted to be brought outside the premises. (For off sales, sealed container are still permitted – If you have off sales);
- Clear notices to be display asking customers to respect the neighbours/ advising customers on good conduct and behaviour expectations.
- The premises licence holder shall ensure that staff at the premises are trained in respect of licensing legislation, responsible retailing, refusal of service and challenge 25 as befits their particular roles at the premises.
- All bar and front of house staff to wear recognisable premises related clothing (Uniform) when licensable activities are taking place.

## SECURITY

- A minimum of 2 SIA licensed door supervisors shall be employed from 8pm on Friday and Saturday nights, on Sundays before bank holidays, on Christmas Eve, Boxing Day, and New Year's Eve and risk assess the need for the numbers of SIA licenced door supervisors at all other times:
- At least one of the licensed door supervisors on duty at any time shall wear body worn cameras which will be maintained in good working order
- SIA registered door staff to be linked via radio (link to also include management);
- All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

- The Premises Licence Holder shall ensure that a record of all SIA Door Supervisors employed at the premises is kept and which includes the following details:
  - a. Full name and date of birth
  - b. 16 digit SIA badge number
  - c. Dates and times employed
- This record, which may be electronic, shall be made available to the Manchester Police Licensing Team or Authorised Officers on request.
- The premises will operate a search policy, including the use of search wands when SIA licensed door supervisors are on duty.

### SEARCHES

- A search policy shall be in place and will include procedures for the confiscation of prohibited articles such as drugs and weapons. Searches will be conducted at the discretion of SIA registered door staff. Search policy to include random searching, weapon detection, drug awareness etc
- Search and ID checks to be conducted within view of the CCTV camera which will be positioned at the entrance when door supervisors are on duty.
- Suitable notices explaining protocols and procedures (to include the searches throughout etc.)
- Posters no smaller than A4 size clearly and prominently displayed stating that bag searches are undertaken.

### CCTV

- The premises shall maintain a comprehensive CCTV system on the licensed premises.
- CCTV cameras cover internal and external areas of the premises and all areas where customers have legitimate access (Excluding Toilets).
- One CCTV camera is specifically positioned to capture facial images of any persons entering the premises at the main entrance and all other entrances where searches may be undertaken, the searches of patrons will be captured on the CCTV camera.
- All areas are sufficiently illuminated for the purposes of the recording of CCTV images.
- All CCTV recorded images have sufficient clarity/quality/definition to enable facial recognition to an evidential standard.
- CCTV images are retained in an unedited format for a period of 31 consecutive days.
- Any person left in charge of the premises is trained in the use of any such CCTV equipment and is able to produce/download/burn CCTV images to an evidential standard.
- CCTV is maintained on a regular basis and kept in good working order at all times and images shall be produced to the Police or Authorised Licensing Officers (Trafford Council Licensing Service) immediately upon request.
- The CCTV system records images at all times that any member of the public is at or on the premises. For the purpose of this condition a "member of the public" is defined as is any person other than the DPS, Premises Licence Holder, Spouse, Partner or Employee thereof.

- Posters, no smaller than A4 size, are clearly and prominently displayed at the entrance and exit of the Premises stating that CCTV is in operation and that images are being captured for the purposes of crime prevention and public safety

### **DRUGS**

The premise shall operate a strict "No Drugs Policy" including a Drug Safe scheme. The Drug Safe procedure will involve a dedicated log of illegal substances placed in the safe by staff. It will record details of where the substance was discovered (or from whom it was recovered) date and time as well as details of the person seizing the substance(s). If the person making the entry in the log is different to the person seizing the substance(s) their details shall also be included in the log entry.

Posters no smaller than A4 size, clearly and prominently displayed stating Premises operate a zero tolerance policy to drugs

### **DISPERSAL POLICY**

A dispersal policy shall be in place. Such policy to include evictions and confirmation of no re-entry following ejection, non-congregation outside front of premises which all door supervisors and staff will be trained so that they are aware and undertake the process whenever the premises are open to the public.

**Karen Packer**

---

**From:** Will Shaw <[REDACTED]>  
**Sent:** 05 August 2019 11:48  
**To:** Karen Packer  
**Subject:** Re: Chadwick's, Urmston

Morning Karen

We're getting there. Come in and have a look , it's completely different.

I have have just spoken to licensing and they are sending me the forms to add on some of the voluntary conditions.

This will not be on my license but we are imposing a discretionary over 21 age limit. There will also be a dress code to filter the rif-Raf.

We are opening this Saturday. I have employed a door team. Thorem Security. They are coming in this evening. Would you need me to send their details to you?

in all week if you want to pop in and have a look/chat

Speak soon

Will

Sent from my iPhone

On 5 Aug 2019, at 10:33, [Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk) wrote:

Morning Will,

How are you getting on with the refurb – when are you likely to be opening.

I have not seen any paperwork to date, have you not submitted it yet.

Many Thanks

Karen

<image001.png>

PC 7116 Karen Packer  
M Trafford District Licensing Officer  
Stretford Police Station  
External 0161 856 7745  
GMP Mobile: 07393 468774  
[Email.karen.packer@gmp.pnn.police.uk](mailto:Email.karen.packer@gmp.pnn.police.uk)

**Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321**



**Karen Packer**

---

**From:** William Shaw <[REDACTED]>  
**Sent:** 21 August 2019 15:53  
**To:** Karen Packer  
**Subject:** bottomless brunch examples

Afternoon Karen

please see the below links to some of the bottomless brunches that are currently on offer in Manchester.

we do not have a set date for ours yet but when we do I will let you know and you can have a look over the wording

for clarity, it will be on offer between 12-5 on a weekend but tables will be limited to 90 mins each. drinks will be selected; current thought is that they will be Prosecco, Amstel, mimosa and one of our house cocktails (pre made so can control strength and cost)

service will be managed whereby the customer will order with their server who will then create a ticket that will be sent to the bar, bar will make the order, server will collect and deliver to table. It will not be as free for all and drinks constantly being topped up.

examples;

<https://arcinspirations.com/manahatta-deansgate/news-and-events/bottomless-brunch>

<https://menagerierestaurant.co.uk/our-menus/restaurant/#bottomless-brunch>

<https://blackdogballroom.co.uk/wp-content/uploads/2019/08/bd-brunch-mar2019-a4.pdf>

regards

Will

**Karen Packer**

---

**From:** Karen Packer  
**Sent:** 16 September 2019 13:41  
**To:** 'William Shaw'  
**Subject:** Saturday 14th September

Good Afternoon Will, Hope you are well

The following has been brought to my attention.

Saturday night an incident occurred either inside your premises or at the point that a group were leaving. Door staff pushed the customers outside onto the street and closed your front doors leaving the group to fight amongst themselves.

One of your door staff is seen to walk out from the back of your premises and to the side of Get Chucked, peek at the group who had just left then sneak back round to the rear of your premises.

You are responsible for your customers and throwing them out onto the street expecting the police to pick it up is not acceptable.

Can you please speak to your door team and explain that they take responsibility for what goes on not only inside but also outside if they are your customers.

Regards

Karen

PC 7116 Karen Packer  
M Trafford District Licensing Officer  
Stretford Police Station  
External: 0161 856 7745  
Mobile: 07393 468774  
[mail.karen.packer@gmp.pnn.police.uk](mailto:karen.packer@gmp.pnn.police.uk)

Trafford Div PC Federation Rep  
Fed Email: [Karen.packer@polfed.org](mailto:Karen.packer@polfed.org)  
Fed Mobile: 07970 826892

**Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321**

**Karen Packer**

---

**From:** William Shaw [REDACTED]  
**Sent:** 22 October 2019 08:36  
**To:** Karen Packer  
**Subject:** Re: Change of security

Morning Karen

No it's the same team we have had since opening we just changed the problem doorman however now we are moving completely away from them as per yesterday's email.

Glad there were no issues reporting back and will endeavour to maintain that.


Are you free for a call this morning as there is something else I wish to discuss

Thanks

|||

Sent from my iPhone

- > On 22 Oct 2019, at 08:11, "[Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk)" <[Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk)> wrote:
- >
- > Morning Will,
- >
- > Hope your well
- >
- > Is this the second door team you've had or did you just change one of the door team from the incident a couple of weeks ago.
- >
- > Fridays visit was routine. I was given a licensing bus so gave them a few premises to have a look at yours being one. They have not reported back any issues.
- >
- > Over the next few weeks you will probably get them again as Flixton Road is looked at closely especially around Christmas time
- >
- > Regards
- >
- > Karen
- >
- > PC 7116 Karen Packer
- > M Trafford District Licensing Officer
- > Stretford Police Station
- > External: 0161 856 7745
- > Mobile: 07393 468774
- > [Email.karen.packer@gmp.pnn.police.uk](mailto:Email.karen.packer@gmp.pnn.police.uk)
- >
- > Trafford Div PC Federation Rep
- > Fed Email: [Karen.packer@polfed.org](mailto:Karen.packer@polfed.org)
- > Fed Mobile: 07970 826892
- > Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321
- >
- >

>  
>  
> -----Original Message-----  
> From: William Shaw [mailto:  
> Sent: 21 October 2019 13:25  
> To: Karen Packer  
> Subject: Change of security

>  
> Good Morning Karen

>  
> Hope you're well?

>  
> We had a minor incident Saturday night whereby a customer was ejected and then engaged in some shoving with one of the door team.

>  
> As I was next to the incident inside the premises I feel that all this could have been avoided were it not for the approach taken by one of the door team.

>  
> As such, we have decided to change the team as I am not completely comfortable with them. This will come into affect at the start of November.

>  
> Furthermore , we had a visit Friday night from licensing. Myself and Rachel were In Altringham at the time visiting her family but we did come back immediately however they had already left. I am told everything was fine but I just wanted to make sure that It was simply routine and if there were any issues would we be able to have a conversation about this?

>  
> Kind Regards

>  
> William Shaw

> Astoria Bar and Restaurant

>  
>  
> Sent from my iPhone

> You can access many of our services online at [www.gmp.police.uk](http://www.gmp.police.uk).

>  
> For emergencies only call 999, or 101 if it's a less urgent matter.

>  
> You can also connect with us on:

> Facebook: [www.facebook.com/GtrManchesterPolice](http://www.facebook.com/GtrManchesterPolice)

> Twitter: [www.twitter.com/gmpolice](http://www.twitter.com/gmpolice)

> Instagram: [www.instagram.com/gtrmanchesterpolic](http://www.instagram.com/gtrmanchesterpolic)

> Flickr: [www.flickr.com/gmpolice1](http://www.flickr.com/gmpolice1)

> YouTube: [www.youtube.com/gmpolice](http://www.youtube.com/gmpolice)

> Pinterest: [www.pinterest.co.uk/gmpolice](http://www.pinterest.co.uk/gmpolice)

>  
> To find out what is happening in your area, visit [www.gmp.police.uk/a/your-area](http://www.gmp.police.uk/a/your-area) where you will be able to follow local social media accounts.

>  
>  
> DISCLAIMER: This message and any attachment may contain information which is confidential or privileged. It is intended for the addressee(s) only. If you have received this message in error, notify the sender and delete it and any attachments without retaining a copy.

>  
> Unauthorised use or disclosure of the contact may be unlawful. Any opinions expressed may not be official policy.

**Karen Packer**

---

**From:** William Shaw [REDACTED]  
**Sent:** 16 November 2019 12:51  
**To:** Karen Packer  
**Subject:** LOG NUMBER 1613

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Afternoon Karen

I have just whatsapped you the correlating cctv footage from an incident last night with the local gypsy family - burtons.

They have been making threats that this is their street and they own it.

One was refused entry last night for wearing his hi visibility work attire.

Unfortunately my door supervisor was then set up on by 5-6 of them and taken to hospital with very serious injuries.

I have reported this this morning and am now waiting for a resolution officer to contact me.

This is not the first time they have been in and caused trouble. When they return we will simply call 999. We don't want them in.

Are you available this week to come and see us as I am worried that this could escalate. We have security but they're not there to just fight. I do believe that this issue now requires police intervention

Kind Regards

William Shaw  
[REDACTED]

Sent from my iPhone

**Karen Packer**

---

**From:** William Shaw [REDACTED]  
**Sent:** 28 November 2019 10:26  
**To:** Karen Packer  
**Subject:** Re: Astoria

Morning Karen

Yes, I was thankful that you sent them down. I actually meant to call you and say this but never got round to it. Sorry!

Our license says that we require 2 but I always have 3 at least. This week for instance I have 3 per night on. However Xmas Eve, Boxing Day and New Year's Eve we will be stepping this up to 4-5.

I asked for 2am but assumed I would have a 30 minute dispersal time to alleviate congratulation on the street. Whatever you think best in this instance we will work with. We currently cut off admission at 12.30 so was going to stick with this anyway and only serve those that are already in the premises

Kind Regards

Will

Sent from my iPhone

> On 28 Nov 2019, at 10:15, "[Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk)" <[Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk)> wrote:

**Karen Packer**

---

**From:** William Shaw [REDACTED]  
**Sent:** 28 November 2019 12:51  
**To:** Karen Packer; Licensing; stacey.hilton@trafford.gov.uk  
**Cc:** Rachel Mylchreest; Luke Martin  
**Subject:** Amendment to Temporary event notices over Christmas period 2019

Good Afternoon

On reflection the management of Astoria Bar and Restaurant would like to amend the temporary event notices for the upcoming Christmas period. For clarity these will be ;

25th December  
27th December  
1st January

Our original notice was to extend to 03:00 on all of the dates above

...e would now like to amend to 02:00 on all dates concerned.

Furthermore we will ensure that a minimum of 3 door staff will be present on all of these events.

Kind Regards

William Shaw  
Astoria Bar and Restaurant  
[REDACTED]

Sent from my iPhone



## Karen Packer

---

**From:** Karen Packer  
**Sent:** 31 December 2019 08:16  
**To:** [REDACTED] 'William Shaw'  
**Cc:** Christopher Sutcliffe; Jonathan Ezard  
**Subject:** Astoria  
**Attachments:** Chadwicks - Astoria.docx

Good Morning Rachel, Will.

I have copied in the district Inspector and Sergeant

I refer to our meeting at Stretford police station dated 30<sup>th</sup> December 2019 at 12.30 hrs and would just like to confirm the details of that meeting. I went through the incidents the police have recorded against your premises Astoria, Flixton Road. I talked about how the demand on the emergency services and the number of victims and level of assaults coming from your premises is at an unacceptable level and needs immediate improvements, we also discussed the following;

- Crime and Disorder is of an unacceptable level
  - Police are unable to prosecute without the support of the victims – including the staff you employ
  - As the licensee you should be reporting incidents of crime or encourage your staff to do the same
  - All staff should be debriefed prior to commencing their duties so they know what is expected of you as the licensee.
  - Reports of you allowing those who have previously caused a disturbance to re-enter and cause a further disturbance
  - Domestic issues having an impact on you as a Licensee
  - Facebook posts criticising the behaviour of the staff towards the customers.
  - A dispersal policy – How do you filter out rather than request everyone to leave at the same time
  - Controlling those who hang around outside to cause trouble – moving them on
  - Serving alcohol to those that are already highly intoxicated. It is an offence to serve someone who is drunk.
  - Pot collectors being your eyes and ears. Brief them to look and listen and share with you their findings. They are your good source of intelligence
  - As a licensee you should be present in the premises at least until the issues are resolved. Stand back and watch what is happening then act upon it. You can't see what's going on in your premises if your serving behind the bar.
- 
- New Year – You confirmed you would have 8 door staff on duty
  - Wristbands would be sold at the door to control numbers entering
  - A dress code would be implemented.
  - Door staff would be briefed
  - A dispersal policy would be implemented to control customers leaving
  - Those that appear to be intoxicated would be offered water and refused alcohol.
  - Those that had previously been removed for causing disorder would not be allowed to enter.
  - Contacting the police should you experience disorder at the premises.

I also note the press release in the Manchester Evening news from your door staff who have been assaulted. The release states *"the door staff recognised the offenders known previously for causing trouble in the area, they always come in a big group and think they own the bar and do whatever they want "that's how it works". The manager intervened and let the men enter in an attempt to calm the situation"*.

We discussed this during our meeting. It was confirmed those responsible for the disorder over the Christmas period are those who were responsible for the disorder back in November. As a licensee you have a right to refuse anyone



entry. Part of the licensing objectives are prevention of crime and disorder and public safety. Allowing those who continually cause disorder to frequent your premises is not addressing the licensing objectives.

I have spoken to the officers who are dealing with an assault on one of your door staff.

The officer has informed me you are unable to provide the details of the door staff who was assaulted in November as you do not keep a log of their details.

I find this hard to believe. Surely you record all staff that are on duty on each occasion they work, in particular door staff, do you not record the details of each individual member on each occasion they work?, how do you confirm they are registered Sia if they are not being checked?, how do you know who you are paying?. When it comes to identifying your staff for the purposes of an investigation how do you do that? You should know your staff or at least know their full details.

Every member of staff who works should be signed in with their full details recorded. Is this not being done.

On 27<sup>th</sup> June 2019 I sent you a list of conditions for you to consider attaching to your licence and which is good practice for a successfully run business. On this list it referred to recording details of door staff and also included a dispersal policy which we again talked about yesterday. You chose not to implement any of these conditions and did not submit a variation to improve conditions.

I have attached these conditions again for your attention and consideration of issuing a minor variation and implementing these conditions to improve the licensing objectives of Crime and Disorder, Public Nuisance and Public Safety with immediate effect.

Part of my review process should this be the next step, will be addressing all the above.

Should you wish to discuss further then please do not hesitate to get in contact.

Regards

Karen

PC 7116 Karen Packer  
M Trafford District Licensing Officer  
Stretford Police Station  
External: 0161 856 7745  
Mobile: 07393 468774  
[Email.karen.packer@gmp.pnn.police.uk](mailto:Email.karen.packer@gmp.pnn.police.uk)

Trafford Div PC Federation Rep  
Fed Email: [Karen.packer@polfed.org](mailto:Karen.packer@polfed.org)  
Fed Mobile: 07970 826892

**Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321**



## Karen Packer

---

**From:** William Shaw [REDACTED]  
**Sent:** 31 December 2019 11:03  
**To:** Karen Packer  
**Cc:** [REDACTED]; Christopher Sutcliffe; Jonathan Ezard; Rachel Mylchreest  
**Subject:** Re: Astoria

Morning Karen

Have copied in Rachel - her email address is [REDACTED]

We will go through this and respond ASAP

Thank you for your time and guidance yesterday

Will

Sent from my iPhone

On 31 Dec 2019, at 08:16, "Karen.Packer@gmp.police.uk" <Karen.Packer@gmp.police.uk> wrote:

Good Morning Rachel, Will.

I have copied in the district Inspector and Sergeant

I refer to our meeting at Stretford police station dated 30<sup>th</sup> December 2019 at 12.30 hrs and would just like to confirm the details of that meeting. I went through the incidents the police have recorded against your premises Astoria, Flixton Road. I talked about how the demand on the emergency services and the number of victims and level of assaults coming from your premises is at an unacceptable level and needs immediate improvements, we also discussed the following;

- Crime and Disorder is of an unacceptable level
- Police are unable to prosecute without the support of the victims – including the staff you employ
- As the licensee you should be reporting incidents of crime or encourage your staff to do the same
- All staff should be debriefed prior to commencing their duties so they know what is expected of you as the licensee.
- Reports of you allowing those who have previously caused a disturbance to re-enter and cause a further disturbance
- Domestic issues having an impact on you as a Licensee
- Facebook posts criticising the behaviour of the staff towards the customers.
- A dispersal policy – How do you filter out rather than request everyone to leave at the same time
- Controlling those who hang around outside to cause trouble – moving them on
- Serving alcohol to those that are already highly intoxicated. It is an offence to serve someone who is drunk.
- Pot collectors being your eyes and ears. Brief them to look and listen and share with you their findings. They are your good source of intelligence

**Karen Packer**

---

**From:** Karen Packer  
**Sent:** 03 January 2020 13:24  
**To:** William Shaw  
**Subject:** RE: Pub watch - flixton road

Hi Will,

In answer to your question the police would not be able to provide an officer paid for privately to patrol an area of licenced premises.

The onus is on the licenced premises to manage the four licensing objectives of Crime and Disorder, Public Safety, Public Nuisance and Protect Children from harm.

The purpose of the Security Industry Authority is to assist venues to prevent crime and disorder and to ensure that people who are not welcome do not enter the premises.

If the clientele, policies and procedures are followed and licensing conditions enforced it should be the case that crime and disorder is very minimal.

Regards


Karen

PC 7116 Karen Packer  
M Trafford District Licensing Officer  
Stretford Police Station  
External: 0161 856 7745  
Mobile: 07393 468774  
[Email.karen.packer@gmp.pnn.police.uk](mailto:Email.karen.packer@gmp.pnn.police.uk)

Trafford Div PC Federation Rep  
Fed Email: [Karen.packer@polfed.org](mailto:Karen.packer@polfed.org)  
Fed Mobile: 07970 826892

Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321


-----Original Message-----

From: William Shaw [mailto:  
Sent: 03 January 2020 12:47  
To: Karen Packer  
Subject: Re: Pub watch - flixton road

No I meant with an officer inside to act as a deterrent to anti social behaviour outside

Sent from my iPhone

> On 3 Jan 2020, at 11:51, "[Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk)" <[Karen.Packer@gmp.police.uk](mailto:Karen.Packer@gmp.police.uk)> wrote:

>  
> What do you mean by positioning of a police car/van.  
>  
> Do you mean as a decoy or with an officer inside.  
>  
> Regards  
>  
> Karen  
>  
> PC 7116 Karen Packer  
> M Trafford District Licensing Officer  
> Stretford Police Station  
> External: 0161 856 7745  
> Mobile: 07393 468774  
> [Email.karen.packer@gmp.pnn.police.uk](mailto:Email.karen.packer@gmp.pnn.police.uk)  
>  
> Trafford Div PC Federation Rep  
> Fed Email: [Karen.packer@polfed.org](mailto:Karen.packer@polfed.org)  
> Fed Mobile: 07970 826892  
> Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321  
>  
>  
>  
>  
>  
> -----Original Message-----  
> From: William Shaw [mailto:  
> Sent: 03 January 2020 11:49  
> To: Karen Packer  
> Cc: Rachel Mylchreest  
> Subject: Pub watch - flixton road  
>  
> Morning Karen  
>  
> Sorry to keep emailing you but we are constantly thinking of things to improve the area  
>  
> One of which is the implementation of a pub watch along with the other bars.  
>  
> Something we would like to raise is the positioning of a police car/van on a night. We are aware you have said you do not have the resources for this but do you know what the associated cost would be for this and then we can raise it with everyone else?  
>  
> Kind Regards  
>  
> Will and Ray  
>  
>  
> Sent from my iPhone  
> You can access many of our services online at [www.gmp.police.uk](http://www.gmp.police.uk).  
>  
> For emergencies only call 999, or 101 if it's a less urgent matter.  
>  
> You can also connect with us on:  
>  
> Facebook: [www.facebook.com/GtrManchesterPolice](http://www.facebook.com/GtrManchesterPolice)  
> Twitter: [www.twitter.com/gmpolice](http://www.twitter.com/gmpolice)

**Karen Packer**

---

**From:** Ian M Lawton  
**Sent:** 12 January 2020 15:39  
**To:** Karen Packer; Ian McKinnon  
**Cc:** Geoffrey Birchall  
**Subject:** RE: Cri/06mm/\*6953/19 - Astoria

Hi Karen

Just to give you a bit of an update. Geoff has tried several times to get the footage for my job and an incident he's picked up earlier in December but hasn't had any luck speaking to Will (owner) to get the footage, In fairness Will does call or email back.

I attended the bar this afternoon approx. 14:00, the bar was shut but I managed to get the attention of staff and was let in and I spoke with Will. He again wanted to clarify why the offender wasn't arrested on the night. I explained my rationale which he accepted – I also reminded Will that on the night Will suggested he dropped the offender off home rather than me taking him away from the area, Will was shaking hands with offender and telling him they'd catch up in the week (offender considers himself a regular and friendly with Will) so Will was quite happy on the night and even wanted to drive the offender away himself to smooth things over. Will said he couldn't remember the night that clearly as he was really busy but my BWV was on and I remember it crystal clear.

Whilst trying to get the footage Will told me that he had been having problems with the recorder and showed me an email between him and his engineer who stated the recorder is defective and he isn't able to download, view or save any footage on the system and the engineer will arrange a new hard drive for the recorder asap. I asked Will if the hard drive had been replaced and he said it hadn't at first so I informed him that our tech people may be able to recover the lost data on the hard drive and I will arrange for them to come out. As I was leaving Will said "hopefully it's not been replaced then" when talking about the recorder.

I just wanted to let you know as initially he implied that his CCTV isn't currently recording, he sounded quite helpful but the cynic in me thinks he might be telling porkies as he doesn't want to get involved in any arguments between the travellers or the door firm. If I was a gambling man I'd bet by the time we get the recorder it will have been replaced/wiped but I didn't want to seize it then and there as if the recorder has being replaced and I took it I'd be confiscating their recorder which in theory means they can't open or them would be in breach of their licence?.

Unfortunately my BWV wasn't on for this conversation so it's just my word for it.

I've completed a VFE asking for someone from digital imaging unit to attend asap to recover the footage.

Cheers mate

Ian Lawton

PC 16664 Lawton  
Greater Manchester Police | Trafford Division  
Stretford Police Station  
Talbot Road  
Trafford



**Karen Packer**

---

**From:** Karen Packer  
**Sent:** 15 January 2020 10:22  
**To:** [REDACTED]  
**Subject:** Astoria

Good Morning Rachel,

As the licence holder I need to make you aware of the below which I sent to Will on Sunday 12<sup>th</sup> January.

Should you have any questions please do not hesitate to give me a call.

I have received information from officers regarding the CCTV issues which relate to the assault at your premises.

We discussed your CCTV before Christmas relating to two males who reported to be officers trying to gain entry. Your CCTV was not working then and you assured me it would be repaired/replaced.

I believe the police are having to arrange for GMP technical engineers to attend to make attempts to recover the footage.

We have discussed your licensing conditions prior to and since opening without any changes being made.

This week I will be submitting a review of the premises Astoria to the local authority for consideration of a committee hearing.

I am not available until Wednesday this week when I will begin the process.

Regards

Karen

PC 7116 Karen Packer  
M Trafford District Licensing Officer  
Stretford Police Station  
External: 0161 856 7745  
Mobile: 07393 468774  
[Email:karen.packer@gmp.pnn.police.uk](mailto:karen.packer@gmp.pnn.police.uk)

Trafford Div PC Federation Rep  
Fed Email: [Karen.packer@polfed.org](mailto:karen.packer@polfed.org)  
Fed Mobile: 07970 826892

**Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN 

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|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

Statement of: **Nicolas YOUNG**

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant

This statement (consisting of 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: ..... Date: Thursday 30<sup>th</sup> July 2020

Check box if witness evidence is visually recorded  (supply witness details on last page)

I am Police Sergeant 12990 YOUNG of Greater Manchester Police currently based at Altrincham Police Station.

On the weekend of the 4<sup>th</sup> – 5<sup>th</sup> July 2020, I was on-duty working part of Operation Kingfisher, with Trafford’s licensing officer PC Packer. Op Kingfisher was the Forcewide initiative to support the reopening of licenced premises, following a significant period of closure (COVID19). The purpose of the operation was to support local licensees to reopen their businesses and ensure that public safety was maintained.

Over that weekend PC Packer and I attended a number of licenced premises across the District, offering our support and guidance to the licensees/landlords and their staff. Our intention was to assist their operations on what was a challenging weekend for that business sector; specifically with the numerous COVID19 guidelines, which they were ask to comply with.

At approximately 22.30hrs on Saturday 4<sup>th</sup> July PC Packer and I attended Astoria in Urmston to speak with the landlord, a male I now know to be called Will. On arrival at the premises on Flixton Road, Urmston I noticed that there were a number of people (approximately 15) queuing on the pavement outside the premises waiting to get in. There were door staff employed by the business and two were permanently situated at the entrance monitoring access/egress.

PC Packer and I entered the premises to speak with Will, whom I noticed was working behind the bar in the first instance. Whilst PC Packer spoke with the licensee, I was approached by one of the door staff who was explaining to me that they were preventing further access due to the fact they had reached capacity (under COVID guidelines) inside.

As we were leaving the premises, approximately 10 min later, I noticed a group of males approach the door staff at the entrance and both Will and the gentleman I was speaking with went over to the entrance to engage with these males and support the other door staff, who looked flustered. At that time we were approximately 4-5 meters from the door and had a clear line of site. I would say these males looked agitated after it appeared that they were refused entry. Having spoken with the males Will returned inside the premises and spoke with PC Packer and myself. He explained that the males he engaged with cause problems at the premises every week and it is a recurring issue. At this point PC Packer and I left the building and asked for a uniformed presence outside the Astoria to monitor this group of males and support the door staff if required.

At approximately 1700hrs on Sunday 5<sup>th</sup> July PC Packer and I returned to Astoria to follow up with the Licensee (Will) and see if we could offer any further assistance or guidance, following the issues the previous night. Will was sat in the premises with a friend when we spoke with him. He stated that it had been a challenge over the last couple of months during lockdown and that he was glad to be up and running and making some money. He was also talking about trying

to attract a different clientele, who would cause him less problems and spend more money inside the premises. When asked about the group of males the previous night, he stated that they were a constant problem who created issues for both staff and customers both inside and outside of the premises. At this point PC Packer asked him would he allow his children to drink inside the premises, to which he replied "No".

Following the conversation PC Packer and I left the premises and I took no further part in part in proceedings.



**Karen Packer**

**From:** William Shaw [REDACTED]  
**Sent:** 24 July 2020 19:17  
**To:** Karen Packer; Rachel Mylchreest  
**Cc:** Zeashan Nasim; Christopher Sutcliffe; David Kent; Michael Balmer  
**Subject:** RE: Astoria - Urmston

Good Evening Karen

Apologies for the late reply. We were closed today whilst we undertook a deep clean and had contractors in sanitising the whole venue.

I am free during the day tomorrow during the day if that suits you?

I note that you reference trying to work with us since the opening of the premises. I would like it to be known that we have always been amenable and approachable in the sharing of information, expertise and advise when it comes to carrying out the licensing objectives. This being evidenced in the fact that since the reopening of the premises we have cut short our trading hours on a Friday and Saturday night, something that you and your inspector (?) thanked me for. Coupled with the shorter trading hours, upon your advise we did not permit any entry after 22:45 in order to alleviate a queue forming and people milling about on the street. This was explained to sergeant Hunt last week when he came to speak to us about two males who had caused a scene outside, both of which were not patrons of ours and had not and did not gain entry to our premises before or after their altercation. I believe one of these males was also on top of a vehicle but the officers present did not feel this warranted an arrest.

The real issue that I see is the large gatherings of people who for some reason enjoy standing around on the street generally making the place look unsightly. With this in mind myself and Rachel will be sitting down with our door team and drawing up a more robust dispersal policy which will be shared with yourselves. If you have anything you may want to add to this then please send over and we will see what we can do.

As I said in our very first conversation , we will always be approachable to speak to and would much rather work with the police and licensing in respect of the objectives than against them. I appreciate that dispersal needs tightening up and this is now our main priority. However, not everyone on that street and seen on camera are customers of ours. There is a lot of anti-social behaviour that goes on up and down Flixton Road and just because we happen to be the last one open does not make it, always, our fault.

Kind Regards

William Shaw  
Astoria

**From:** Karen.Packer@gmp.police.uk <Karen.Packer@gmp.police.uk>  
**Sent:** 24 July 2020 09:23  
**To:** [REDACTED]  
**Cc:** Zeashan.Nasim@gmp.police.uk; Christopher.Sutcliffe@gmp.police.uk; David.Kent@gmp.police.uk  
**Subject:** Astoria - Urmston

Good Morning Rachel, Will.

As you will be aware since the opening of licenced premise post Covid, your premises continues to place a high demand on the emergency services with reports of fights occurring outside your premises.

The licensing objectives of Crime & Disorder and Public Safety are not being met.

We recently discussed possible options of how to reduce disorder but there does not appear to be any reduction in the incidents occurring.

Having tried to work with you since the opening of the premises, the police are now in a position where we have no option than to collate the evidence to submit to the local authority for consideration of a review hearing.

Please give me a call to discuss further when you are free.

Regards

Karen

Police Constable 07116 Karen Packer  
Trafford District Licensing Officer  
Altrincham Police Station  
External: 0161 856 7745  
Mobile: 07393 468774  
[Email.karen.packer@gmp.pnn.police.uk](mailto:Email.karen.packer@gmp.pnn.police.uk)

Trafford Div PC Federation Rep  
Fed Email: [Karen.packer@polfed.org](mailto:Karen.packer@polfed.org)  
Fed Mobile: 07970 826892

**Suspicious activity? Anyone with information is urged to contact the Anti Terrorist Hotline on 0800 789 321**

You can access many of our services online at [www.gmp.police.uk](http://www.gmp.police.uk).

For emergencies only call 999, or 101 if it's a less urgent matter.

You can also connect with us on:

- o Facebook: [www.facebook.com/GtrManchesterPolice](http://www.facebook.com/GtrManchesterPolice)
- Twitter: [www.twitter.com/gmpolice](http://www.twitter.com/gmpolice)
- Instagram: [www.instagram.com/gtrmanchesterpolic](http://www.instagram.com/gtrmanchesterpolic)
- Flickr: [www.flickr.com/gmpolice1](http://www.flickr.com/gmpolice1)
- YouTube: [www.youtube.com/gmpolice](http://www.youtube.com/gmpolice)
- Pinterest: [www.pinterest.co.uk/gmpolice](http://www.pinterest.co.uk/gmpolice)

To find out what is happening in your area, visit [www.gmp.police.uk/a/your-area](http://www.gmp.police.uk/a/your-area) where you will be able to follow local social media accounts.

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*Thank you for your co-operation.*

## Incidents Recorded against the premises Astoria

### **1. Monday 15<sup>th</sup> November 2021 @ 19.57**

I am the owner of Astoria on Flixton Road, Urmston. My windows were put through a few months ago and it seems there has been another attempt at them last night/early hours of the morning.

**Caller** - Will Shaw

**Result** - Crime for Criminal Damage

### **2. Saturday 13<sup>th</sup> November 2021 @ 23.18 - Incident 3586 - CCTV Available**

**CCTV** - Disturbance 2 males arguing. 1 had a knuckle duster. He has left in a BMW

**Staff** - Male caller requesting police saying "we have a problem" raised voices in the background. Police recall and speak to male, possibly staff who said there are 2 unruly males but they have sped off now. Tried to get further but a male in the background telling him "to put the fucking phone down" caller cleared the line

**Caller** - Trafford Council CCTV and staff from the premises

**Result** - No crime has been generated.

### **3. Saturday 23<sup>rd</sup> October 2021 @ 01.28 - Incident 0273 - CCTV Available**

Abandoned 999 - commotion on call, no one responding. I can hear someone accusing the other of hitting them and informant keeps shouting for police to attend Astoria. Caller keeps coming on the phone saying he wants police. Call from staff member 30 people aged 30's fighting outside; he cleared the line when offenders gained entry to the pub

**Caller** - Staff and monitored by Trafford Council CCTV

**Result** - Crime for Affray and Assault

The victim is the door staff who asked the offender to leave the bar on a number of occasions to which the offender stated "If you want to fight we can fight" Once outside a fight starts when the victim is head-butted twice then punched to the jaw then threw a chair at him saying "I'm going to shoot you" Door staff entered the premises followed by the offender where the assault continued.

### **4. Sunday 19<sup>th</sup> September 2021 @ 00.46 - Incident 0188 CCTV Available**

Fighting ongoing. One male hitting other people, male still outside Astoria. One male who was being beaten has got into a car saying they were coming back. Informant says the male who was hitting everyone is a male called [REDACTED] who runs the doors at Astoria

**Caller** - Member of the public

**Result** - False call lawful rejection

### **5. Sunday 12<sup>th</sup> September 2021 @ 00.28 - Incident 000105 - CCTV Available**

Fight. CCTV it's escalating down towards Champs, 30-40 lads

Police request further patrols to assist

CCTV reports the fighting it's getting worse. A female on the floor appears to be knocked out, it's reported she then gets up  
Call from passer by believed he has seen a knife it is also believed there is a Cosh - stick been seen

Police request neighbouring divisions to assist. The force duty officer allocated 9 officers including Taser officers

**Caller** - Trafford Council CCTV and members of the public

**Result**

Crime for Affray and - Having an article with a blade in a public place.  
Reports from CCTV of several males fighting following the local pubs kicking out at the same time. Police attend where the public point out groups involved. No individuals come forward

**6. Thursday 9<sup>th</sup> September 2021 @ 04.17 - Incident 000483**

Windows smashed.

Male on a push bike approaches Astoria bar and smashes 5 of the windows with a hammer before making off

**Caller** - Member of the public

**Result**

Crime - Criminal Damage

**7. Wednesday 21<sup>st</sup> July 2021 @ 22.24 hours - Incident 003083**

Fight - Report from office at the location - S.18 Assault at this location. Blood splatters in the toilet, laceration to the forehead being glassed. No door staff or DPS present at the pub - require supervision to attend. Victim not supporting, offender made off already.

**Caller** - Trafford Council CCTV

**Result** - Crime - Affray

There is a heated discussion at a table with multiple people where a pint glass is thrown which smashes. The victim walks out of the door. The victim refused to engage with police or make any complaint

**8. Friday 14<sup>th</sup> August 2020 @ 23.33 - Incident 004151**

Disturbance

CCTV monitoring. It appears something has occurred as a glass has been smashed but no one is speaking to police. Patrols attending to show a presence. Police are assisting door staff having issues with drunken clients and people turning up

**Caller** - Trafford Council CCTV

**9. Friday 24<sup>th</sup> July 2020 @ 00.19 – Incident 0682039/20**

20/30 people fighting.

People are now getting into a vehicle. Fighting has now stopped  
On police arrival they report all is quiet.

**Caller** - Trafford Council CCTV

**Result** - Crime for Affray

The informant, CCTV operator for Trafford local authority has captured a large mixed group of approximately 20-30 male and females outside the Astoria Nightclub, Flixton Road, Urmston.

Whilst viewing the camera, the group have begun fighting amongst themselves which has spilled into the road. Persons in the group have been seen throwing punches and kicks. The informant has then reported the disturbance over the airwaves when officers have attended the location. The group had dispersed on foot in several directions prior to officer's arrival, a few individuals on the street were spoken to but were not forthcoming with any information. No persons made themselves known to officers at scene and no weapons seen on the footage captured.

**10. Saturday 18<sup>th</sup> July 2020 @ 00.17 – Incident 0662691/20**

Email received from the attending police Sergeant.

As part of the ongoing Operation 'Shandy', myself and my patrols attended Flixton Road for hi-vi patrolling. As we drove on to the road, an altercation was already taking place near to the pub. Champs and other premises appear to be already closed, and the main group of persons present were outside or near to Astoria.

There were several incidents of minor disorder outside the pub and on the road, which were quickly diffused and no arrests were made. I confirmed the parties involved had been drinking inside the Astoria.

Whilst outside, myself and other officers observed several persons walking around with glasses, and bottles of champagne, having left the pub without being challenged by door staff. I approached one person and directed him back into pub, and a member of door staff actually tried to stop him going in, saying the glass was not from the pub.

I spoke with the 2 owners (apologies, I didn't record their names), and had a chat with them about ongoing issues outside, and he mentioned you had visited during the week. He did advise they had changed their age policy to 21 from 18.

With regards to Covid regulations, any social distancing was non-existent, and it was difficult to see exactly what measures the pub had in place.

**11. Saturday 11<sup>th</sup> July 2020 @ 01.22 – 0640272/20**

Disturbance outside Astoria

A large gathering of approximately 30 people pushing each other outside. On police arrival people started to disperse. Females present had been hit by a bottle, the offender had been identified.

**Caller** - Trafford Council CCTV

**Result**

3 crime recorded, 2 for S.18 assault and 1 for S.47 Assault - Female arrested.

Police arrived at the scene to a large group of people disbursing from the local bars. A female confirmed she had just been bottled to the forehead. A second female confirmed she had been hit to the head causing cuts to the face with a bottle after being told "Im going to glass you"

**12. Sunday 9<sup>th</sup> February 2020 @ 02.17 – 0129196/20**

Males fighting. CCTV monitoring. 2 males were fighting in the street, 1 male has now left in a taxi.

CCTV all calmed down 2 males left, CCTV will monitor

**Caller** - Trafford Council CCTV

**Result**

All parties left prior to police attendance, no details as only seen by CCTV.

**13. Saturday 28<sup>th</sup> December 2019 @ 02.18 – 0575134/19**

Fighting outside approximately 30 to 40. The fighting has now stopped but people milling around.

Police arrive – no one willing to tell them what's gone on, will check CCTV inside the club.

Female detailed drink driver, restrained on the floor.

Any spec ops please (Tau), large crowds gathering outside.

Force dog attends.

**Caller** - Trafford Council CCTV

**Result**

Female detained police assault – Female taken to hospital

Crimes x 4 – 1 Affray / 2 S.47 Assault / 1 assault a Constable

Disturbance outside the bar, was called in by CCTV as a large fight, it is unknown what happened as no one at the scene was willing to disclose any information

**14. Thursday 26<sup>th</sup> December 2019 @ 23.30 – 0574050/19 & 0571765/19 (CCTV Available)**

Assault. Ap's are informant and his brother. They are door staff at the premises  
Fighting. Travellers fighting weapons not seen. Occurring inside and outside. Fighting stopped outside but still going on inside. Approximately 10 persons fighting. CCTV no fighting outside.

Police arrive and bouncer point out the offenders. A male has been punched to the face bleeding mouth and nose. Male is going in and out of consciousness. Male suspected to have a broken jaw. The Ap is the bouncer

Please note the Manchester Evening news article

Ap and brother are door staff at these premises. Me and my brother, we were supervising the door of the Astoria Restaurant Bar in Urmston and we stop a group of lads that fought last week, but the manager ask us to allow them entry, while we were doing so, I entered the premises, without me knowing they started punching my brother hurting him in the lips

and eye. then my brother run to me to ask for help, while I was going to ask them to come out for us to talk, the manager of the club told me no to do so, while me and the manager were talking, they started pushing me in front of the manager and saying some racial abuse, all were capture on cctv.

They broke two of my teeth and left other wobbling they continue, and my manager was watching everything

I was left almost unconscious and had to run out of the club.

I was taken by the ambulance but before I left I found out that the police had seen the footage of the incident but did nothing to the lads, they were allowed back in the club as if nothing had happened

**Caller** - Will Shaw

**Result**

Crime x 1 Common Assault / 1 S.47 Assault

Following a refusal of entry the door staff are punched twice

**15. Sunday 8<sup>th</sup> December 2019 @ 00.49 – 0512444/19**

The victim was in the bar when he was approached by the suspect who punched him in the face 5 times, no injuries sustained. The victim left as the suspect was still inside the premises.

Caller - Victim (door staff)

**Result**

Crime x 1 Common Assault

Informant has been punched in the face 5 times by a male inside the bar, unknown why he has been assaulted

**16. Friday 15<sup>th</sup> November 2019 @ 23.00 – 0441914/19 -**

Assault x3 Occ about 2300hrs on 151119 at the above location (now known as the Astoria, a group of 6/7 people have come to the door and were refused entry due to one member not having required dress code. One male has then landed 3 to 4 punches on a doorman and inf stated "they all then jumped in punching and kicking him". Inf stated some bar staff intervened and they were assaulted as well.

**Caller** - Will Shaw

**Result**

Crime x 1 Harassment

A group of male offenders have been outside the entrance when they approached the victim who is the owner saying "we will close you down and smash the place up swearing and being aggressive, victim asked the offenders to leave

**17. Saturday 9<sup>th</sup> November 2019 @ 01.24hrs – 0417696/19**

Disturbance outside Astoria. There has been a disturbance outside and once everyone had left involving several males they were fighting and door staff couldn't control them but its calm now.

**Caller** - Will Shaw

**Result**

Crime – Affray

Unknown group of males has been eating at the restaurant. An argument arose between them and all males went outside of the restaurant and began fighting. Door staff intervened and all offenders made off in unknown direction.



From: William Shaw [mailto: [REDACTED]]  
Sent: 15 November 2021 20:22  
To: Trafford North INPT1  
Subject: Request

Good Evening

Log number  
2781151121  
crime number  
CRI/06MM/0013870/21

I refer to the below crime ref and log number. I am the owner of astoria on Flixton Road, Urmston. My windows were put through a few months ago and it seems there has been another attempt at them last night/early hours of the morning.

As we are closed today I have only been made aware of it now but someone has told me they saw the damage at around 8am this morning.

Fortunately the glass I replaced last time is stronger and laminated so the culprit was unsuccessful at putting them through. That said, the glass is chipped and will require replacing. So I have still incurred costs here.

I believe that the report I have just made this evening will be passed to your department. I appreciate that there are other people to be looking after but i would be most grateful if there could be some presence by way of a car driving past throughout the night (certainly post 12am). If anything it may scare people off another attempt.

Kind Regards

William Shaw  
[REDACTED]

Sent from my iPhone

**Incident 3586 - Saturday 13th November 2021 @ 23.18 hours**

Initial Report - Disturbance 2 males arguing, 1 had a knuckle duster, he has left in a vehicle

| Created on       | SubCategory | Description   |
|------------------|-------------|---|
| 15/11/2021 09:40 | Other       | WAS - NOTED, DISTRICT SGT ADVISED, AS NO RECORDABLE OFFENCES, THIS LOG CAN BE CLOSED  |
| 15/11/2021 09:38 | Other       | CRRU SVR: as this has only been seen on CCTV as per HOCR 3.11 general section no crime required   |
| 15/11/2021 09:34 | Other       | WAS - SPOKEN TO DISTRICT SGT + CONFIRMED OFFENCE TO BE RECORDED FOR OFFENSIVE WEAPON IN PUBLIC. LOG REGRADED 4  |
| 15/11/2021 09:33 | Other       | THRIVET - CCTV REPORTING THEY SAW A DISTURBANCE TAKE PLACE - 2 MALES ARGUING, 1 OF THE MALES WAS CARRYING A KNUCKLE DUSTER, HE MADE OFF IN A VEH. H - POSS EMOTIONAL, BUT CANNOT CONFIRM AS NOT KNOWN WHAT THE NATURE OF THE ARGUMENT WAS AND NO DETAILS OF PARTIES INVOLVED R - LOW RISK AS NO ASSAULT HAS TAKEN PLACE AND THIS IS NOT ONGOING NOW I - CCTV, VRMV - NONE - CRRU - CRIME FOR OFFENSIVE WEAPON IN PUBLIC |
| 15/11/2021 08:42 | Other       | CRRU SVR: action plan complete, no further enqs or crime req for weapon seen on CCTV  |
| 15/11/2021 08:10 | Other       | WAS - LOG RE-GRADED 4 FROM THE N QUEUE PER ABOVE  |
| 14/11/2021 22:06 | Other       | was - no parties have reported anything, nor have any witnesses. log states male has driven off and nobody appeared injured. have regraded for neighbourhood to review cctv   |
| 15/11/2021 07:24 | Remarks/F   | Insp 13063 - lease Grade 4 for LRO. This incident is now two days old and premise is shut on a Monday. thanks   |
| 14/11/2021 05:53 | Remarks/F   | M1r log awaiting crru review for action plan  |
| 13/11/2021 23:33 | Remarks/F   | cctv ref 9513   |
| 13/11/2021 23:23 | Remarks/F   | CCTV - male who remained w/m 5'9, black puffer jacket hood, black trouser, black shoes white on heels, brown hair shaved at the sides he is no longer outside   |
| 13/11/2021 23:22 | Remarks/F   | cctv - 1 male went back inside the Astoria w/m black puffer jacket  |

**Incident 0273 23102021 - Saturday 23rd October 2021 @ 01.28**

Initial Report - Abandoned 999 commotion on call, no one responding. I can hear someone accusing the other of hitting them and informant keeps shouting for police to attend at Astoria

| Created on       | Category  | Description   |
|------------------|-----------|---|
| 23/10/2021 03:32 | Add Log E | HAC - 999 CALL EMAILED TO OFFICER.  |
| 23/10/2021 03:28 | Add Log E | HAC - DEALING   |
| 23/10/2021 01:40 | Add Log E | WAS NOTED NOW ALLOCATED. AWAITING UPDATE FROM OIC.  |
| 23/10/2021 01:39 | Add Log E | thrive high g1 imm, alot of commotion on call req for police top asta astoria. nfd advised to walk away but disturbance continued he didnt acknowledge further unable to safeguard didnt follow directions vul possible was heard someone saying hit me |
| 23/10/2021 01:37 | Add Log E | WAS - PLEASE DEPLOY THIS AS A GRADE 1, POSSABLE ONGOING DISTURBANCE/ASSAULT.  |
| 23/10/2021 03:56 | Remarks   | 3528 - crime s.47 and affray  |
| 23/10/2021 03:34 | Remarks   | mnr>hac - noted with thanks   |
| 23/10/2021 03:24 | Remarks   | hac - please could the 999 recording be sent to 15356? many thanks  |
| 23/10/2021 02:35 | Remarks   | 15356 - amb on scene  |
| 23/10/2021 02:35 | Remarks   | noted thanks  |
| 23/10/2021 02:31 | Remarks   | amg log 2454 3935 - cat 1 - 5 min eta   |
| 23/10/2021 02:30 | Remarks   | AMB - is male breathing? if so is it noisy?   |
| 23/10/2021 02:26 | Remarks   | amb dealing   |
| 23/10/2021 02:24 | Remarks   | amb, can we arrange NWS please  |
| 23/10/2021 02:14 | Remarks   | 15356 - male lost conciousness now  |
| 23/10/2021 02:13 | Remarks   | 15356 - 35 yr old male punched twice, bust lip, not with it. amb please   |
| 23/10/2021 02:02 | Remarks   | CCTV - MONITORING PARK ROAD SOUTH AS PUNTERS DISPERSE   |
| 23/10/2021 01:44 | Remarks   | 15655 - slow down patrols   |
| 23/10/2021 01:42 | Remarks   | cctv - nothing going on outside   |
| 23/10/2021 01:38 | Remarks   | i have had to clear the line due to no response   |
| 23/10/2021 01:37 | Remarks   | call from Dan [REDACTED] - works at bar - 30 people aged 30s fighting outside - infm cleared the line when offenders gained entry into pub again. u/k why this has kicked off. mixed females and males. mainly males.                                   |
| 23/10/2021 01:36 | Remarks   | cctv - nothing ongoing at present there was a small disagreement earlier on but nothing came of it  |
| 23/10/2021 01:35 | Remarks   | i am still on the call he hasnt come back to phone  |
| 23/10/2021 01:34 | Remarks   | co ords came up for flixton road so happy with location   |
| 23/10/2021 01:33 | Remarks   | i tried initially to get them to walk away but it continies   |
| 23/10/2021 01:33 | Remarks   | male isnt on the call anymore but is open line  |
| 23/10/2021 01:33 | Remarks   | caller keeps coming to the phone periodically saying wants police. i have gone on google and put astoria urmston and fground the address.   |

**Crime - Affray - 16673**

Incident 0273 23102021

| Created on       | Category   |  |
|------------------|------------|--|
| 23/10/2021 05:00 | Officer Up | <p>On the Saturday the 23rd of October 2021 the victim was working at ASTORIA as an approved door staff. He saw the offender sat in the bar and knows him quite well. The victim asked the defendant to leave ASTORIA on a number of occasions upon which the defendant stated words similar to "IF YOU WANT TO FIGHT WE CAN FIGHT." The victim and the defendant eventually go outside of ASTORIA as he stepped back the defendant has head-butted the victim twice to the face, first head-butt cut the victims bottom lip and the second head-butt hit him on the nose. The victim tried to call the police the defendant has come and punched him on the jaw. The defendant has picked up a chair and thrown it at him and shouted "IM GOING TO SHOOT YOU." The victim told the defendant that he did not want to fight him and went back inside the bar to call the police. The defendant followed where he threw another punch that landed between the victims eyes. The victim pushed the defendant back to prevent him from punching him. The victim states as he was moving back in a defensive stance the defendant and 2 other males have approached him and one of the unknown males have punched him twice to the right side of his face; the defendant has then punched him twice further to the face. The defendant left the area but a short time later was arrested for assault</p> |



**Incident 0188 - Sunday 19th September 2021 @ 00.46 hours**

Initial Report - Fighting ongoing 1 male hitting other people. Male still outside Astoria

|                  |         |   |
|------------------|---------|---|
| Created on       |         |   |
| 19/09/2021 01:09 | Remarks | 16524 false call lawful rejection   |
| 19/09/2021 01:03 | Remarks | NFD - line clear  |
| 19/09/2021 01:02 | Remarks | Infnt states that the male who was hitting everyone is a male called [REDACTED] who runs the doors at Estoria |
| 19/09/2021 01:01 | Remarks | Apols Postcode confirmed as M41 5AW Urmston   |
| 19/09/2021 01:00 | Remarks | CCTV - Reviewing  |
| 19/09/2021 00:58 | Remarks | One male who was beaten up has got into a car saying they were coming back                                    |

**Incident 0188 - Sunday 19th September 2021 @ 00.46 hours**

Initial Report - Fighting ongoing 1 male hitting other people. Male still outside Astoria

|                  |         |   |
|------------------|---------|---|
| Created on       |         |   |
| 19/09/2021 01:09 | Remarks | 16524 false call lawful rejection   |
| 19/09/2021 01:03 | Remarks | NFD - line clear  |
| 19/09/2021 01:02 | Remarks | Infnt states that the male who was hitting everyone is a male called [REDACTED] who runs the doors at Estoria |
| 19/09/2021 01:01 | Remarks | Apols Postcode confirmed as M41 5AW Urmston   |
| 19/09/2021 01:00 | Remarks | CCTV - Reviewing  |
| 19/09/2021 00:58 | Remarks | One male who was beaten up has got into a car saying they were coming back                                    |

**Incident 000105 - Sunday 12th September 2021 @ 00.28 hours**

Initial Report - Fight

|                  |         |   |
|------------------|---------|---|
| Created on       |         |   |
| 12/09/2021 07:13 | Remarks | 18684 will add further crime for poss bladed artical  |
| 12/09/2021 07:12 | Remarks | oic 18684 has been made aware   |
| 12/09/2021 07:12 | Remarks | from cctv at 0031 i seen male known to me .... carrng a machete   |
| 12/09/2021 01:22 | Remarks | 18684 - WILL SUBMIT CRIME FOR AFFRAY AND CRIME FOR POSSESSION OF CLASS A BY 18292   |
| 12/09/2021 00:57 | Remarks | MS19281 AND 16524 ATTENDING   |
| 12/09/2021 00:57 | Remarks | 18253 - FURTHER PATROL TO CHANTS PLS  |
| 12/09/2021 00:56 | Remarks | 16797 - Male has been searched and nothing on him   |
| 12/09/2021 00:54 | Remarks | 18292 - POSSESSION OF CLASS A   |
| 12/09/2021 00:53 | Remarks | 18292 - male arrested for possession  |
| 12/09/2021 00:49 | Remarks | CCTV - MALE WITH BASEBALL CAP HAS JUST GIVEN A MALE IN A BLACK GILET AN ITEM AND PUT IT IN HIS POCKET                             |
| 12/09/2021 00:48 | Remarks | 18292 - HAVE EYES ON MALE WITH BASEBALL CAP   |
| 12/09/2021 00:47 | Remarks | 16831 - MALE MALE MID-LATE 30S, BASEBALL CAP, SCRUFFY CLOTHING, HAS GONE DOWN A GINNEL, GOT A KNIFE THEN CAME BACK                |
| 12/09/2021 00:47 | Remarks | 18684 - nwas on scene   |
| 12/09/2021 00:46 | Remarks | 18253 - NOBODY ENGAGING WITH US REFUSING TO SAY WHAT HAS GONE ON  |
| 12/09/2021 00:45 | Remarks | 18076 - gatso cross street  |
| 12/09/2021 00:45 | Remarks | 18348- gatso cross street   |
| 12/09/2021 00:45 | Remarks | 16797 - have been made aware a male involved dress all in black has gone behind a building on park rd south                       |
| 12/09/2021 00:43 | Remarks | 18292 - speaking with doorstaff, they have advised most of the offenders had left   |
| 12/09/2021 00:43 | Remarks | rvp for amb - winchester road crofts bank road  |
| 12/09/2021 00:41 | Remarks | cctv main group left hand side of Champs  |
| 12/09/2021 00:41 | Remarks | patrols making to scene   |
| 12/09/2021 00:41 | Remarks | cctv still arguing otuside Champs, fighting has stopped but all parties still on scene  |
| 12/09/2021 00:39 | Remarks | AMB RVP DETAILS TO BE CONFIRMED BY AMB ONCE KNOWN - THEY WILL RING BACK   |
| 12/09/2021 00:39 | Add Log | FDO- There are 9 officers inc Taser allocated to this incident, due to potential S.2 ECHR considerations patrols to make to scene |
| 12/09/2021 00:38 | Remarks | log 122 caller rang said he had been told there was knives  |
| 12/09/2021 00:38 | Remarks | AMB WIL RVP, RVP DETAILS TO FOLLOW STANDBY  |
| 12/09/2021 00:38 | Remarks | Amb log: 2432 1198 ---- CAT 1 --- 6 MIN ETA FOR RRV --- AMB 6 MIN ETA   |
| 12/09/2021 00:37 | Remarks | 17446 - RV STATION RD   |
| 12/09/2021 00:37 | Remarks | from log 122 male is reporting that people have left but coming back in cars inft says it looks like its gonna kick off again     |
| 12/09/2021 00:37 | Remarks | F1R>MR NEGATIVE SORRY   |
| 12/09/2021 00:37 | Remarks | .... has moved on cannot provide description of person/s with weapons   |
| 12/09/2021 00:37 | Remarks | MS 15717 CAN NEIGHBOURING DIVISIONS ASSIST DUE TO NUMBERS PLS   |
| 12/09/2021 00:37 | Remarks | believs also a 'Cosh Stick' seen  |
| 12/09/2021 00:36 | Remarks | MR TO F2R AND F1R...CAN YOU ASSIST PLEASE?  |

|                  |         |  |
|------------------|---------|--|
| 12/09/2021 00:36 | Remarks | Call from ...stating there is a fight ongoing and there is a male being assaulted - unknown if the male is injured/needs an ambulance. |
| 12/09/2021 00:35 | Remarks | Call from ...states he has driven past and believes he has seen 1x person holding a knife with a black handle in the hands             |
| 12/09/2021 00:35 | Add Log | Noted, awaiting updates/requests   |
| 12/09/2021 00:34 | Remarks | CCTV - SEEMS TO BE OK  |
| 12/09/2021 00:34 | Remarks | CCTV - GIRL UP NOW   |
| 12/09/2021 00:33 | Remarks | OUT  |
| 12/09/2021 00:33 | Remarks | 16132 - FEMALE ON THE FLOOT LOOKS KNOCKED  |
| 12/09/2021 00:33 | Remarks | A3R CH20: APOLS, ALL PATROLS ENGAGED   |
| 12/09/2021 00:33 | Remarks | log number to follow standby   |
| 12/09/2021 00:33 | Remarks | CCTV - FIGHT GETTING WORSE   |
| 12/09/2021 00:33 | Remarks | CCTV - GETTING WORSE   |
| 12/09/2021 00:33 | Remarks | M1 > A3 ANYBODY ABLE TO ASSIST   |
| 12/09/2021 00:33 | Remarks | caller cleared - on phone to amb   |
| 12/09/2021 00:32 | Remarks | ringing amb  |
| 12/09/2021 00:32 | Remarks | MR TO C/H...HAVE YOU CALLED AN AMB PLEASE?   |
| 12/09/2021 00:32 | Remarks | no serious injuries seen from informant  |
| 12/09/2021 00:32 | Remarks | no weapons seen  |
| 12/09/2021 00:32 | Remarks | further call can see 30+ people fighting male and female, males on the floor being kicks   |
| 12/09/2021 00:31 | Remarks | X6R - NO XD - ALL 3 ENGAGED  |
| 12/09/2021 00:30 | Remarks | cctv 30-40 males fighting outside Champs now   |
| 12/09/2021 00:30 | Remarks | NEAR CHAMPS NOW  |
| 12/09/2021 00:30 | Remarks | 30-40 LADS   |
| 12/09/2021 00:29 | Remarks | cctv - escalating down towards champs  |



**Crime - Affray - 14140/21**

Incident 000105 12092021

| Created on       |                |   |
|------------------|----------------|---|
| 12/09/2021 07:39 | Officer Update | Reports from CCTV that multiple males were fighting following the local pubs kicking out at the same time. Police attend and members of the public begin to point out groups of people who have been involved but no specific details.No individuals come forward to make any complaint for other offences.Remaining people disperse on police arrival.Offenders - multiple groups of people totalling 20+ involvedVictim - N/AWitnesses - Captured on council CCTV and many witnesses in area - no detailsCCTV - council CCTVProgressionCrime to be filed. |

**Crime - Affray - 14140/21**

Incident 000105 12092021

| Created on       |                |   |
|------------------|----------------|---|
| 12/09/2021 07:39 | Officer Update | Reports from CCTV that multiple males were fighting following the local pubs kicking out at the same time. Police attend and members of the public begin to point out groups of people who have been involved but no specific details.No individuals come forward to make any complaint for other offences.Remaining people disperse on police arrival.Offenders - multiple groups of people totalling 20+ involvedVictim - N/AWitnesses - Captured on council CCTV and many witnesses in area - no detailsCCTV - council CCTVProgressionCrime to be filed. |

**Incident 000483 - Thursday 9th September 2021 @ 04.17 hours**

Initial Report - Windows smashed by male on a push bike with a hammer

| Created on       | Remarks  |
|------------------|--|
| 09/09/2021 04:49 | 16527 - i have put note through door with log for recall will input crime for damage |
| 09/09/2021 04:33 | 16527 - there are 5 shattered windows not completely broken through                  |
| 09/09/2021 04:29 | cctv - this occurred ar 0405 hrs male on bike then seen heading towards railway road |
| 09/09/2021 04:26 | ps 14987 aware   |
| 09/09/2021 04:25 | INFT STATED THERE IS 5-6 WINDOWS ALL SMASHED   |
| 09/09/2021 04:24 | INFT HAS VIDEOE OF THE BUILDING  |
| 09/09/2021 04:24 | from cctv the is no one in the vacinity  |
| 09/09/2021 04:24 | OCCURRED APROX 15 AGO  |
| 09/09/2021 04:23 | has this just occurred   |
| 09/09/2021 04:23 | DESC- MALE, SLIM BUILD, WEARING GREY JOGGERS AND BLACK TOP ON A BMX STYLE BIKE       |

Incident 003083 - Wednesday 21st July 2021 @ 22.24 hours

Initial Report - Fight

| Created on       |         |  |
|------------------|---------|--|
| 21/07/2021 22:58 | Remarks | 18684 - CAN BE CLOSED. CRIME FOR AFFRAY  |
| 21/07/2021 22:47 | Remarks | 18684 reviewing CCTV to confirm if crime required  |
| 21/07/2021 22:47 | Remarks | CCTV - OCCURRED AT 2222  |
| 21/07/2021 22:44 | Remarks | 18684 Victim wouldnt give any details and has now left. Astoria has now closed. There are some licencing issues which are being addressed. |
| 21/07/2021 22:34 | Remarks | Sgt 08640 on scene   |
| 21/07/2021 22:31 | Remarks | 12981 victim not supporting - offender has made off already  |
| 21/07/2021 22:31 | Remarks | CCTV aware   |
| 21/07/2021 22:30 | Remarks | 12981 No door staff or DPS present at pub - require supervision to attend  |
| 21/07/2021 22:30 | Remarks | 12981 Laceration to forehead from being glassed  |
| 21/07/2021 22:30 | Remarks | 12981 > Blood spatter in toilet  |
| 21/07/2021 22:30 | Remarks | 12981 > S18 assault at this location   |

**Crime Affray - 0011088/21**

Incident 003083 21072021

| Created on       | Created by | Description   |
|------------------|------------|---|
| 26/07/2021 14:08 | PC 18684   | I have reviewed the CCTV from Astoria. The CCTV shows that there is a heated discussion taking place at a table with multiple people. Following this a pint glass is thrown which smashes. The CCTV does not show any injuries on the victim who walks out the door on his own accord. On the night of the incident the victim refused to engage with Police and did not make any complaints or provide any details. The offender had made off in an unknown direction prior to our arrival. The owner of Astoria has been in contact with the victim who is a regular. They have passed my details to the victim should they wish to make any complaints / provide any details for us. I have not had any contact from the victim via email or phone, and can only assume that given the time passed they do not wish to provide an account. While the CCTV shows an offender they are currently unidentified, and as we have no complaint from any victims I do not propose to try and ID the offender for any sort of investigation. |
| 22/07/2021 12:44 | PC 18684   | A group of unknown people attended at Astoria in Urmston and were drinking inside the licensed premises. At some point this has resulted in glasses being smashed and people suffering minor injuries. It is unknown who smashed glasses and who is injured. The injured party has provided no details as to how the injury occurred or any details for themselves. All first aid was refused. On Police arrival the offender had left the scene on foot in an unknown direction. Victim: Currently unknown Offender: Unknown offender with no description Witnesses: Staff working in pub. Contact is William SHAW the owner CCTV: CCTV should cover any incident inside the building; this will be reviewed and sent over by SHAW ASAP. Council CCTV outside the premises but nothing covered House to house: N/A Progression: Review CCTV from Astoria and try to identify victim or offender. If possible, make contact with victim and see if they will provide details now sober.   |
| 22/07/2021 09:56 | CIV 72595  | William Shaw is a manager at Astorea. He has been in contact asking to give information to pc 18684. I have supplied William with the crime number. He is going to email the OIC with the information about the suspect as he is a regular in the bar.  |

**Incident 004151 Saturday 14th August 2020**

8

Initial Report - Disturbance

| Created on       |         |  |
|------------------|---------|--|
| 14/08/2020 23:51 | Remarks | 17476 - staff having issues with people turning up. all now dispersing.  |
| 14/08/2020 23:44 | Remarks | 16968- door staff having issues with drunk clients - assisting   |
| 14/08/2020 23:38 | Remarks | patrols attending to show some presence around urmston   |
| 14/08/2020 23:38 | Remarks | 16818- when driving past - groups congregating - i have seen a smashed glass and looked as though something was occurring - astoria now turning people away. |
| 14/08/2020 23:36 | Remarks | 16818 - appears something has occurred as a glass has been smashed but no one is speaking with me  |
| 14/08/2020 23:36 | Remarks | cctv - monitoring  |

**Incident 0682039 - Friday 24th July 2020 @ 00.19 hours**

Initial Report - Fighting 20-30 people fighting

| Created on       |         |   |
|------------------|---------|---|
| 24/07/2020 01:35 | Remarks | 17726 i havent seen the footage that cctv reported so will contact them later re any crime for affray |
| 24/07/2020 01:35 | Remarks | 17226 FURTHER ENQS WITH CCTV BY MYSELF PENDIGN ANY CRIMES   |
| 24/07/2020 01:35 | Remarks | cctv grey polo at the location getting ready to leave , 5 females in the polo                         |
| 24/07/2020 01:35 | Remarks | cctv:fighting stopped   |
| 24/07/2020 01:35 | Remarks | cctv polo is on r/h/s for police vehicle attending  |
| 24/07/2020 01:35 | Remarks | 17732 thats me  |
| 24/07/2020 01:35 | Remarks | await result from attending officers  |
| 24/07/2020 01:35 | Remarks | 17514 all quiet on arrival  |
| 24/07/2020 01:35 | Remarks | cctv - people ar no w getting into a veh, grey polo   |

**Crime - Affray - 9456/20**

Incident - 0682039

| Created on       |         |  |
|------------------|---------|--|
| 24/07/2020 05:08 | PC 1772 | <p>PIP1 write up. Circs The informant, CCTV operator for Trafford local authority has captured a large mixed group of approximately 20-30 male and females outside the Astoria Nightclub, Flixton Road, Urmston. Whilst viewing the camera, the group have begun fighting amongst themselves which has spilled into the road. Persons in the group have been seen throwing punches and kicks. The informant has then reported the disturbance over the airwaves when officers have attended the location. The group had dispersed on foot in several directions prior to officers arrival, a few individuals on the street were spoken to but were not forthcoming with any information. No persons made themselves known to officers at scene and no weapons seen on the footage - Location: Astoria Nightclub, Flixton Rd, Urmston. Injuries - None reported to officers at scene. - informant made aware and updated that crime to be closed. - the informant is council cctv operator who has captured the incident on camera. The group involved dispersed and left the scene prior to officers arrival. There are no offenders and no victims that have been identified. Please close, Many thanks</p> |



Incident 0662691/20 - Saturday 18th July 2020 @ 00.17 hours

|                  |         |  |
|------------------|---------|--|
| Created on       |         |  |
| 18/07/2020 00:48 | Remarks | ps 8640 - minor altercation parties have now dispersed |

**Karen Packer**

---

**From:** Jason Hunt  
**Sent:** 20 July 2020 00:42  
**To:** Karen Packer  
**Subject:** Astoria - Flixton Road

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Karen

I just wanted to bring to your attention an incident we dealt with on, Flixton Road, near to Astoria in the early hours of Saturday 18/7/20.

Log 73 18/07/20 refers, but generated on 'Patterjacks'. There is little information on the log.

As part of the ongoing Operation 'Shandy', myself and my patrols attended Flixton Road for hi-vi patrolling. As we drove on to the road, an altercation was already taking place near to the pub. Champs and other premises appears to be already closed, and the main group of persons present were outside or near to Astoria.

There were several incidents of minor disorder outside the pub and on the road, which were quickly diffused and no arrests were made. I confirmed the parties involved had been drinking inside the Astoria.

Whilst outside, myself and other officers observed several persons walking around with glasses, and bottles of champagne, having left the pub without being challenged by door staff. I approached one person and directed him back into pub, and a member of door staff actually tried to stop him going in, saying the glass was not from the pub.

I spoke with the 2 owners (apologies, I didn't record their names), and had a chat with them about ongoing issues outside, and he mentioned you had visited during the week. He did advise they had changed their age policy to 21 from 18.

With regards to Covid regulations, any social distancing was non-existent, and it was difficult to see exactly what measures the pub had in place.

There is BWV of our attendance.

Thanks

Jason

**PS M8640 Jason Hunt**  
**Trafford Local Policing Team B relief**  
**M Division - Trafford**  
**Greater Manchester Police**  
**Tel: 0161 856 7783/9169**

**Incident 0640272/20 - Saturday 11th July @ 01.22 hours**

Initial Report - Disturbance outside Astoria

|                  |           |   |
|------------------|-----------|---|
| Created on       |           |   |
| 11/07/2020 03:53 | Remarks/F | 17550 - 17292 going to custody for constant obs   |
| 11/07/2020 03:53 | Remarks/F | 15356- crime for sec 47 assault   |
| 11/07/2020 03:53 | Remarks/F | 17550 - 2 vics going to salford royal, 1 vic has refused treatment and 1 has gone home without being seen by amb                |
| 11/07/2020 03:13 | Remarks/F | 17550- amb on scene   |
| 11/07/2020 03:02 | Remarks/F | m7r - amb eta 2 mins  |
| 11/07/2020 03:01 | Remarks/F | 17550 any update for eta for amb  |
| 11/07/2020 02:26 | Remarks/F | m1r amb log 2228-0249 cat 2 no allocation   |
| 11/07/2020 02:22 | Remarks/F | 15356 - 2 females with head injuries, no bleeding but they have bumps which are concerning, currently at urmston police station |
| 11/07/2020 02:10 | Remarks/F | 17446- cleared custody for pendleton  |
| 11/07/2020 02:09 | Remarks/F | 11196- taking female to custody have had to stop few times as male trying to strangle herself                                   |
| 11/07/2020 02:08 | Remarks/F | cctv checking   |
| 11/07/2020 02:08 | Remarks/F | 15356 - from the bars cctv possible the asault took place at 0114 but it is just off camera, can council cctv check             |
| 11/07/2020 02:00 | Remarks/F | 15356- assault has taken place outside astoria just to the left   |
| 11/07/2020 01:53 | Remarks/F | cctv aware  |
| 11/07/2020 01:53 | Remarks/F | ps 8640 - cctv to monitor the group on Flixton rd   |
| 11/07/2020 01:50 | Remarks/F | 16718- taking one of victims home   |
| 11/07/2020 01:41 | Remarks/F | 17550- we are with a witness  |
| 11/07/2020 01:37 | Remarks/F | 15356- 1 female under arrest sus assault  |
| 11/07/2020 01:37 | Remarks/F | 15655- desc of offender- female wearing glasses - long brown hair and jeans   |
| 11/07/2020 01:29 | Remarks/F | 15356 - attempting to locate a victim who has been hit with a bottle  |
| 11/07/2020 01:28 | Remarks/F | 15356- slow any further   |
| 11/07/2020 01:28 | Remarks/F | 15356 - slow patrols down   |
| 11/07/2020 01:26 | Remarks/F | m1r- welfare check conducted all in order   |
| 11/07/2020 01:25 | Remarks/F | cctv - there isnt any fighting  |
| 11/07/2020 01:25 | Remarks/F | log 285 also - large fight 30 people  |
| 11/07/2020 01:24 | Remarks/F | cctv- same male from before   |

**Crime - S.18 Assault X 2 and a S.47 Assault**

Incident 0640272/20

| Created on       | Created by | SubCategory | Description  |
|------------------|------------|-------------|--|
| 11/07/2020 05:50 | PC 17550   | Officer Upd | <p>SIR/MA'AM PIP1 WRITE UP Points to consider in write up<br/>                     On the 11/07/2020 CCTV reported a large gathering of<br/>                     approx.. 30 people pushing each other outside ASTORIA<br/>                     Flixton Road, Urmston. A 999 call was received to report a<br/>                     disturbance outside ASTORIA. Police arrived at the scene to<br/>                     a large number of people disbursing from the local bars. ....<br/>                     pointed to a female now known to be .....and said SHE HAS<br/>                     JUST BOTTLED MY FRIEND.The victim was identified as<br/>                     .....who stated to officers that 2 males were arguing when a<br/>                     .....began pushing .....for an unknown reason .....stepped<br/>                     in when she believed .....hit her on the head with a bottle<br/>                     causing a large lump to the left side of her forehead. The<br/>                     second victim .....came forward and stated that ..... began<br/>                     pushing her, .....had a bottle in her hand shouting IM<br/>                     GOING TO GLASS YOU when suddenly .....then felt pain to<br/>                     her head and wetness on her face. ....had smashed the<br/>                     bottle over .....head causing a number of cuts to her face, a<br/>                     large lump to the left side of her face with bruising. The third<br/>                     victim ..... came forward to police and stated that she<br/>                     witnessed .....bottle and fight with her friends. When the<br/>                     bottle smashed it shattered and caused a cut to her left<br/>                     wrist. There were a number of witnesses to the incident that<br/>                     confirm that .....bottled the AP.Victim:</p> |

**Incident 0129196 - 9th February 2020 @ 02.17**

Initial Report - Males fighting cctv monitoring 2 males fighting in the street 1 male now left in a taxi

| Created on       |         |  |
|------------------|---------|--|
| 09/02/2020 03:15 | Remarks | all parties left prior to policde attendance no details as only seen by cctv was over before it started                      |
| 09/02/2020 02:21 | Remarks | cctv will monitor  |
| 09/02/2020 02:21 | Remarks | cctv - all calmed now 2 males lefton still on streetblk male wearing blue jeans and blk coatwith a fdemale in a brown jumper |

**Incident 0575134 - 28th December 2019 @ 02.18**

Initial Report - Fighting outside approx 30-40 outside  
Fighting has now stopped but still milling around

|                  |          |  |
|------------------|----------|--|
| Created on       |          |  |
| 28/12/2019 07:05 | Remarks/ | female taken to pendleton log closed   |
| 28/12/2019 04:50 | Remarks/ | 14855 female detainee has now been discharged now taking her to Pendleton custody  |
| 28/12/2019 04:41 | Remarks/ | X1R - MITIE CONTACTED & CANCELLED  |
| 28/12/2019 04:41 | Remarks/ | xt58: female now released and en route to custody can the nurse be cancelled   |
| 28/12/2019 04:18 | Remarks/ | 14855 - Mitie required to turn out please for blood sample - XT58 has blood kit with him [REDACTED] - female detainee is concious - DP has given consent - A&E Minors Room 23 at Salford Royal Hospital  |
| 28/12/2019 03:05 | Remarks/ | mt58 veh left in bay o/s the copper hatch and bay dosn't become live until 0800  |
| 28/12/2019 03:01 | Remarks/ | 14855 female being taken to salford royal but is banging about in the van traffic with meet us there   |
| 28/12/2019 02:56 | Remarks/ | XZ5 and 6 cancelled  |
| 28/12/2019 02:56 | Remarks/ | 13502 cancel ZX patrols attending  |
| 28/12/2019 02:55 | Remarks/ | traff cctv - patrols are Flixton Road / Newton Road bit too far out of camera view   |
| 28/12/2019 02:54 | Remarks/ | PS 19573 - XT58 arrested this female for drink driving, the female detainee has scatched and spat at me and assaulted other patrols she will be attending hospital first as she has a cut to her head where she has headbutted the side of the van |
| 28/12/2019 02:53 | Remarks/ | XZ 11713 REVIEWING THE REQUEST - X6R   |
| 28/12/2019 02:51 | Remarks/ | x1r: xt and xd making  |
| 28/12/2019 02:50 | Remarks/ | P38 taking 5 of us to keep this detainee from harming herself number of drunken females trying to interfer   |
| 28/12/2019 02:50 | Remarks/ | P38 female in leg restrainst in the back of the van - on sitting up she has head butted the side of the van  |
| 28/12/2019 02:49 | Remarks/ | MS31 - female for Police assault still large crowd gethering   |
| 28/12/2019 02:49 | Remarks/ | further patrols required to location   |
| 28/12/2019 02:47 | Remarks/ | insp 12341 any spec ops can assist please - large crowd gathering still at location  |
| 28/12/2019 02:47 | Remarks/ | 14855 - Female being restrained - this female made off from us from the XT patrol  |
| 28/12/2019 02:47 | Remarks/ | 14855 f/a detained drink driver - now resrtained on the floor  |
| 28/12/2019 02:26 | Remarks/ | PS 19573 on arrival no one willing to tell us what has gone on going to check on the clubs CCTV  |
| 28/12/2019 02:23 | Remarks/ | MS31 - slow other patrols down   |
| 28/12/2019 02:22 | Remarks/ | MP32 - couple of mins away   |

**Crime - S.47 Assault**

Incident - 0575134

| Created on       |          |   |
|------------------|----------|---|
| 28/12/2019 05:15 | PC 17158 | Sir/Ma'am, Please see the following PIP 1 write up -<br>CIRCUMSTANCES The circumstances are as follows, following an affray including many people outside of a bar, an unknown offender as assaulted the victim by unknown means, possibly a punch. The victim has reddening to her face. The CCTV has not been viewed/collected from the bar or the council. INVESTIGATION PLAN The suspect is unknown and no one at the scene was willing to help assist police, therefore all lines of enquiry have been exhausted and this crime can be closed.Thank you, PC 17158 WILSON |

**Crime - Affray**

| Created on       |          |  |
|------------------|----------|--|
| 06/01/2020 21:24 | PC 17158 | CCTV has been viewed and offender cannot be identified. Thank you, PC Wilson   |
| 28/12/2019 05:35 | PC 17158 | Sir/Ma'am, Please see the following PIP 1 write up -<br>CIRCUMSTANCES The circumstances are as follows, there was a disturbance outside of a bar, which was called in by CCTV as a large fight, however it is unknown exactly what happened as no one at the scene was willing to disclose any information. VICTIM This is a Regina crime. WITNESSES No known witnesses. SUSPECT The suspect is unknown. CCTV is yet to be collected/viewed from the bar or from the council. INVESTIGATION Pending the CCTV footage being collected and viewed from the bar and the council, however there are no known suspects as of yet, none on scene was willing to speak to police. Thank, PC 17158 WILSON. |
| 06/01/2020 22:45 | PS 19573 | Supervision type Finalisation/Closure, supervisor PS 19573 HEALEY, comments I have reviewed this crime. CCTV at the premises did not show incident. Council CCTV not sufficient for identification purposes. There are no further witnesses. I am satisfied that there are no further lines of enquiry to pursue in relation to this crime. , authorised: yes, further supervision required?: no   |

**Crime - S.47 Assault**

| Created on       |          |  |
|------------------|----------|--|
| 17/01/2020 01:45 | PC 17158 | Awaiting CPS decision. Thank you, PC Wilson  |
| 11/01/2020 09:55 | PC 17158 | Awaiting CPS decision on this crimes file, 06/MM/52028/19 - file also requires a further statement. Thank you, PC Wilson   |
| 28/12/2019 05:45 | PC 17158 | Sir/Ma'am, Please see the following PIP 1 write up - CIRCUMSTANCES Following an affray, the suspect has gone to pick her friends up, however she was under the influence of alcohol. When pulled over for drink driving, the suspect escaped, resisting arrest. The suspect was detained, she scratched the victims face and spat at the victim. The victim is PS 19753 HEALEY. Various Police Officer's on scene witnessed the assault. There is council CCTV which is yet to be collected and viewed. All attending officers activated their BWV. Female was arrested for drink drinking and police assault. Thank you, PC 17158 WILSON. |
| 11/02/2020 09:46 | PC 19233 | Supervision type Finalisation/Closure, supervisor PC 19233 MCKINNON, comments sir maam after cps advice, offender has now been charged. OM page updated. crime to be closed. PS 19233, authorised: yes, further supervision required?: no  |

**Crime - Police Assault**

| Created on       |          |  |
|------------------|----------|--|
| 10/02/2020 11:54 | PC 17158 | Suspect has been banned from driving and received 200 hours community service. Thank you, PC Wilson  |
| 17/01/2020 01:46 | PC 17158 | Awaiting CPS decision. Thank you, PC Wilson  |
| 11/01/2020 09:57 | PC 17158 | Awaiting CPS decision on this crimes - file also requires a further statement. Thank you, PC Wilson  |
| 28/12/2019 05:54 | PC 17158 | Sir/Ma'am, Please see the following PIP 1 write up - CIRCUMSTANCES Following an affray, the suspect has gone to pick her friends up, however she was under the influence of alcohol. When pulled over for drink driving, the suspect escaped, resisting arrest. The suspect was detained, she spat at the victim. The victim is a police officer. Various Police Officer's on scene witnessed the assault. There is council CCTV which is yet to be collected and viewed. All attending officers activated their BWV. Female was arrested for drink drinking and police assault. Thank you, PC 17158 WILSON. |
| 28/12/2019 12:35 | PC 12443 | CPT Review - I have reviewed this crime for consideration of classification. The victim is a police constable and as such the crime should have been recorded as assault constable in the first instance. Crime re classified accordingly  |
| 11/02/2020 09:49 | PC 19233 | Supervision type Finalisation/Closure, supervisor PC 19233 MCKINNON, comments sir ma'am offender has now been charged after CPS advice. om page update. crime to be closed. PS 19233, authorised: yes, further supervision required?: no   |



**Incident 0574050 - Thursday 26th December 2019 @ 23.30 hours**

Initial report was made online - Assault, Ap's are informants and his brother. They are door staff at the

| Created on       | Remarks/ |  |
|------------------|----------|--|
| 27/12/2019 20:02 | Remarks/ | M1R - Called Silvio, advised that OIC will contact him when they are next on duty.   |
| 27/12/2019 19:47 | Remarks/ | M1R > WAS: Consider closure to the Crimes above - progression will be via crime  |
| 27/12/2019 19:37 | Remarks/ | Sgt 14987 this may have been dealt with last night by E relief. Will make enqs when they come in.  |
| 27/12/2019 19:36 | Remarks/ | CID 13141 aware of log   |
| 27/12/2019 19:36 | Remarks/ | Insp 12607 aware of log  |
| 27/12/2019 19:36 | Remarks/ | Sgt 14987 aware of log   |
| 27/12/2019 19:34 | Remarks/ | M2R: Noted thanks  |
| 27/12/2019 19:19 | Remarks/ | ~~INF NOW STATES HE AND HIS BROTHER ARE BOTH AT MUMS HOUSE   |
| 27/12/2019 19:17 | Remarks/ | LOG GIVEN  |
| 27/12/2019 19:17 | Remarks/ | INF STATES HIM AND HIS BROTHER ARE HOME NOW AND FOR REST OF THE EVENING TO BE SEEN BY POLICE   |
| 27/12/2019 19:16 | Remarks/ | INF WANTS TO MAKE FORMAL REPORT OF THIS ASSAULT NOW AND AS HE HAS MENTIONED HE WAS RACIALLY ABUSED HAVE HAD THIS LOG REGRADED TO A 2   |
| 27/12/2019 19:16 | Remarks/ | I was taken by the ambulance but before I left I found out that the police had seen the footage of the incident but did nothing to the lads, they were allowed back in the club as if nothing had happened   |
| 27/12/2019 19:16 | Remarks/ | they broke two of my teeth and left other warbling they continue, and my manager was watching everything I was left almost unconscious and had to run out of the club  |
| 27/12/2019 19:15 | Remarks/ | then my brother run to me to ask for help, while I was going to ask them to come out for us to talk, the manager of the club told me no to do so, while me and the manager were talking, they started pushing me in front of the manager and saying some racial abuse, all were capture on cctv. |
| 27/12/2019 19:15 | Remarks/ | and we stop a group of lads that fought last week, but the manager ask us to allow them entry, while we were doing so, I entered the premises, without me knowing they started punching my brother hurting him in the lips and eye.  |
| 27/12/2019 19:15 | Remarks/ | me and my brother, we were supervising the door of the Astoria Restaurant Bar in Urmston   |

**Incident 0571765 - Thursday 26th December 2019 @ 23.30 hours**

Incident Reported: FIGHTING

| Created on       |           |   |
|------------------|-----------|---|
| 27/12/2019 00:57 | Remarks/F | 16664 - all parties separated, 1 male gone to hosp , crime for sec 47 and 39              |
| 27/12/2019 00:17 | Remarks/F | The a/p with the susp broken jaw is a bouncer at the premises for info for info           |
| 27/12/2019 00:15 | Remarks/F | m1r - insp 12341 made aware   |
| 27/12/2019 00:15 | Remarks/F | 16678 - male suspected broken jaw to salford royal - night crime 17957 aware              |
| 27/12/2019 00:01 | Remarks/F | CCTV: Amb has arrived   |
| 26/12/2019 23:59 | Remarks/F | 14855: ask amb to attend at the rear, eta 2 mins  |
| 26/12/2019 23:58 | Remarks/F | M1r: amb log 2144 9382 on cat 1 just allocated  |
| 26/12/2019 23:56 | Remarks/F | m1r - cid 17957 made aware  |
| 26/12/2019 23:55 | Remarks/F | 12341 - est if we need a scene  |
| 26/12/2019 23:55 | Remarks/F | 12450 - male is going in and out of conciousness, please update amb                       |
| 26/12/2019 23:55 | Remarks/F | 12450 - male attacked is a doorman here   |
| 26/12/2019 23:54 | Remarks/F | 12450 - male punched to face bleeding nose and mouth                                      |
| 26/12/2019 23:52 | Remarks/F | 12450: Can we have an amb for this male please, age 38 C&B with a headinjury              |
| 26/12/2019 23:42 | Remarks/F | mp34 - to the rear  |
| 26/12/2019 23:42 | Remarks/F | 14855 - The persons responsible - id x bouncers have been rejected                        |
| 26/12/2019 23:41 | Remarks/F | 14855 - with possible offenders , bouncers pointed them out                               |
| 26/12/2019 23:40 | Remarks/F | a2r noted - patrols allocated   |
| 26/12/2019 23:37 | Remarks/F | cctv - 23:28 group of males ran on to park road south                                     |
| 26/12/2019 23:35 | Remarks/F | Recalling... no reply   |
| 26/12/2019 23:35 | Remarks/F | cctv - no fighting ongoing outside the location   |
| 26/12/2019 23:35 | Remarks/F | x6r: xd allocated   |
| 26/12/2019 23:34 | Remarks/F | cctv - made aware   |
| 26/12/2019 23:34 | Remarks/F | NFD END OF CALL   |
| 26/12/2019 23:33 | Remarks/F | THERE ARE APPROX 10 PERSON FIGHTING FIGHTING NOW STOPPED OUTSIDE BUT SILL GOING ON INSIDE |
| 26/12/2019 23:32 | Remarks/F | OCCURING INSIDE AND OUTSIDE   |
| 26/12/2019 23:32 | Remarks/F | TRAVELLERS FIGHTING WEAPONS NOT SEEN  |

**Crime - Common Assault**

Incident - 0571765

| Created on       | SubCategory | Description  |
|------------------|-------------|--|
| 27/12/2019 01:53 | Officer Upd | <p>Sir/Ma am PIP1 write up as follows:AP is door staff at Astoria Bar. Following a refusal to allow entry to offenders relatives an argument ensues and AP is punched twice by offender resulting in no visible injuries to AP. Police attended and offender and AP were spoken to. At this time victim details are not known. Details of all security were taken at the scene and after reviewing CCTV I will be able to ascertain who has been assaulted. There was a language barrier issue with several of the security and the bar was still open and kept being called away. Other door staff were present and details have been obtained by various officers attending the scene. Astoria Bar, 32 Flixton Rd, Urmston, Manchester M41 5AAHouse to House CCTV at the door shows the fracas and will be available for collection tomorrow. Both parties have been separated, advice given to each. Parties do not know each other and this was a chance meeting as AP doesn't usually work at this venue. Obtain CCTV from the bar, speak to AP to see if he is willing to provide a statement. Possible VA of offender pending enquiries. Regards Ian Lawton</p> |
| 04/06/2020 06:07 | Supervisor  | <p>Supervision type Finalisation/Closure, supervisor PC 19233 MCKINNON, comments ir maam x ref crimes for assault on doorstaff after having issues an resulted in a section 39 and a 47 assault. The 47 assault does not have an offender identified as he had made off prior to police arrival. No CCTV. No witnesses. The 39 assault was very minor and not proportionate to investigate any further. crime s to be closed, authorised: yes, further supervision required?: no</p>   |

**Crime - S.47 Assault**

Incident - 0571765

| Created on       | Created by | Description  |
|------------------|------------|--|
| 27/12/2019 03:18 | PC 16664   | Sir/Ma am PIP1 write up as follows:AP is door staff at Astoria Bar. Following a refusal to allow entry to offenders relatives an argument ensues and AP is punched twice by offender resulting in no visible injuries to AP. Police attended and offender and AP were spoken to. Other door staff were present and details have been obtained by various officers attending the scene. Astoria Bar, 32 Flixton Rd, Urmston, Manchester M41 5AA CCTV at the door shows the fracas and will be available for collection tomorrow. Both parties have been separated, advice given to each. Parties do not know each other and this was a chance meeting as AP doesn't usually work at this venue. Obtain CCTV from the bar, speak to AP to see if he is willing to provide a statement. Possible VA of offender pending enquiries. Regards Ian Lawton |
| 04/06/2020 06:04 | PC 19233   | Supervision type Finalisation/Closure, supervisor PC 19233 MCKINNON, comments sir maam x ref crimes for assault on doorstaff after having issues an resulted in a section 39 and a 47 assault. The 47 assault does not have an offender identified as he had made off prior to police arrival. No CCTV. No witnesses. The 39 assault was very minor and not proportionate to investigate any further. crime s to be closed, authorised: yes, further supervision required?: no   |



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Newspaper clip - Relates to incident 26<sup>TH</sup> December 2019.

# They were just doing their job... they ended up in hospital after being attacked by racist thugs

'We're scared to go back because we are worried it might happen again'

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By **Adam Maidment**

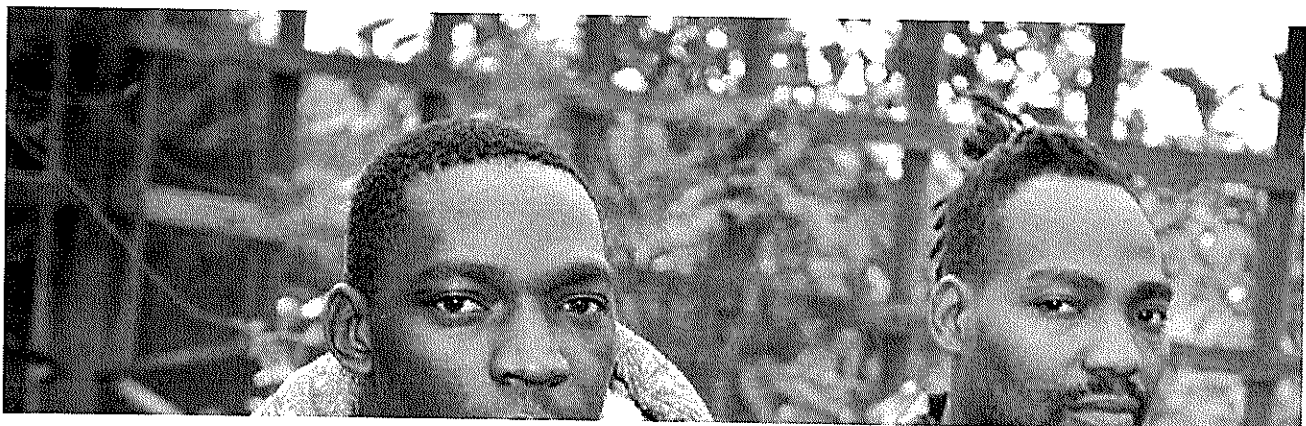
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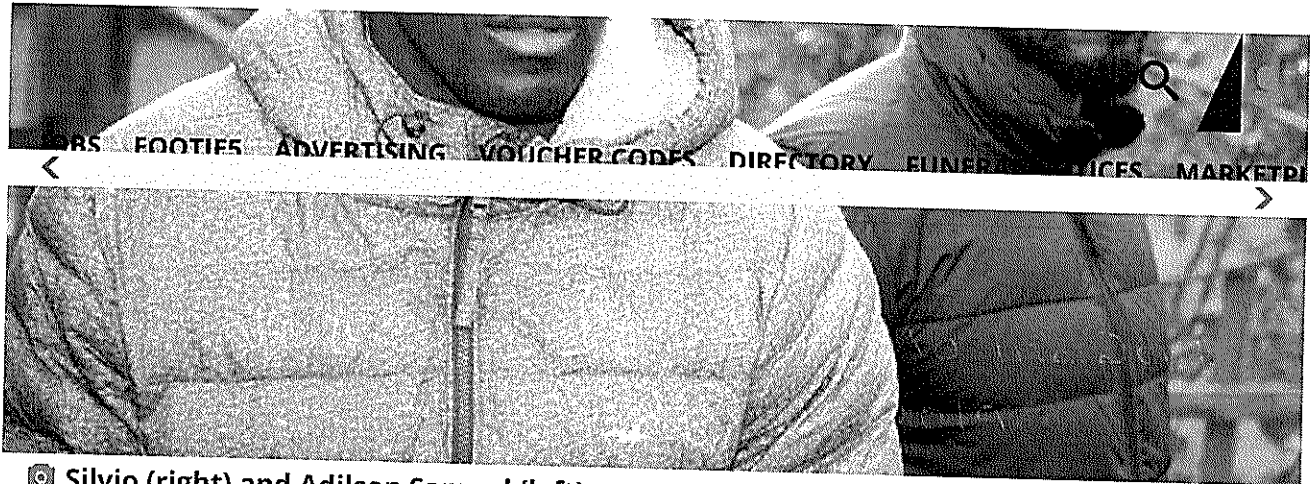
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**Silvio (right) and Adilson Samuel (left)** (Image: ABNM Photography)

Two bouncers say they were the victims of a racially-motivated attack on Boxing Day.

Security guards Silvio and Adilson Samuel were working at a Trafford bar and restaurant on Thursday (December 26) evening when two men tried to enter.

The brothers recognised the men, apparently known for previously causing trouble in the area, and told them they weren't allowed in.

Fearing repercussions, the owners of the bar have asked the *Manchester Evening News* not to publish the business' name.

"We told them they couldn't come in and they started arguing and shouting at us," Silvio said.

"When they've gone there in the past, they always come in a big group and think they own the bar and do whatever they want.

"That's not how it works."


A manager intervened and let the men enter the venue in an attempt to calm the situation.

The brothers say they were then attacked.



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 **Bouncers Silvio and Adilson Samuel were attacked on Boxing Day after refusing entry to two men** (Image: ABNM Photography)

"I was distracted and one of the men punched me in the face," Silvio added.

"I ran to get my brother's attention and we went inside to kick them out, but then loads of men started punching and pushing us.

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"They said they were going to 'smash us up'."

Silvio said the men used horrific racist language.



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Adilson was punched so hard he lost some of his teeth, while Silvio suffered an eye injury.

Police were called before the brothers went to hospital to be checked over.

"My brother is in so much pain in his jaw he cannot speak properly," Silvio said.

"He is also a bodybuilder and it is affecting him because he can't get to the gym to train."





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 **Silvio Samuel was left with an injured eye following the incident outside the Urmston bar**

(Image: ABNM Photography)

The brothers, originally from Portugal, came to the country around five years ago.

They said their loves ones back home were devastated when they heard about the attack.

"We came here to work to get a better life without causing any problems," Silvio said.

"We know that we did our job properly, but now we are scared to go back because we are worried it might happen again."

A spokesman for the venue said: "On the evening of December 26, a group of males tried to gain entry to the venue and were held back by security."



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 **Silvio and Adilson Samuel** (Image: ABNM Photography)

"After some arguing at the door, the venue management stepped in to assist recognising the group.

"In order to avoid confrontation, management made the decision to allow the group on the condition there would be no trouble.

"As the group entered the venue there was further confrontation with the team, resulting in the doormen being injured by the group.

"The police were called and the group was removed but no arrests were made.

"Contact has been made by management to the injured party, and we are working

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 **Silvio (left) and Adilson Samuel (right)** (Image: ABNM Photography)

"In the last few months a strict door policy has been implemented, which includes a dress code for all guests, with all males are patted down and routine bag searches upon entry in order to make customers and staff feel safe."

A spokesman for Greater Manchester Police confirmed police were called to the venue following a 'disturbance'.

**Anyone with any information is asked to call police on 101 or Crimestoppers, anonymously, on 0800 555 111.**

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**Incident 0512444 - Sunday 8th December 2019 @ 00.49 hours**

Incident Reported: Assault INF has been punched in the face 5 times by a male inside the bar. Unknown why he has been assaulted

| Created on       | SubCategc | Description   |
|------------------|-----------|---|
| 08/12/2019 10:51 | Remarks/F | Spoken with the victim states he has been punched in the face by an unknown male no injuries sustained sec 39 Assault to be submitted |
| 08/12/2019 01:01 | Remarks/F | MALE IS STILL INSIDE THE ADDRESS BUT AS INF CAN NOT GIVE BETTER DESC GRADED 4   |
| 08/12/2019 01:00 | Remarks/F | OFF - BLACK MALE, AROUND 24 YRS, SHORT DARK HAIR, CAN NOT GIVE FURTHER  |
| 08/12/2019 00:58 | Remarks/F | OFF - BLACK MALE, AROUND 24 YRS, SHORT DARK HAIR, CAN NOT GIVE FURTHER  |

**Crime - Common Assault**

Incident - 0512444

| Created on       | SubCategory | Description   |
|------------------|-------------|---|
| 25/01/2020 18:59 | Officer Upd | Sir, In view of the issue with the CCTV and the fact is has now been wiped off their system, we have no further evidence. The ap understands the situation and is happy that police made all relevant enquiries. He is aware that we only have his account of what took place, that there are no other witnesses and CCTV is no longer an option that the case will be filed. In view of the last can I respectfully request thus crime be filed pending anything further coming to light. Thanks Geoff 12450.  |
| 24/01/2020 23:27 | Officer Upd | Due to any possible CCTV footage has now been lost and the identity of the offender is not confirmed it is unlikely this crime can be detected. It appears that there are no other persons willing to come forward to provide further accounts or identification of this offender. Without any further information coming to light this crime will have to remain undetected. I will speak with the ap to see if he can offer any further information but at this point it looks like this crime will be filed. |
| 23/01/2020 22:14 | Officer Upd | Confirmation, the CCTV has been overwritten and has been lost. CCIU have confirmed the loss as they have visited the location over another CCTV issue.  |
| 13/01/2020 22:04 | Officer Upd | I have made contact with The Astoria Bar Flixton Road regarding any available CCTV footage. They were aware of the incident and stated that there was some footage of the incident; however after several attempts to retrieve this footage, it appears to have been lost in their system. The premises are experiencing problems with the recorder and are not able to download, view or save any footage on the system.   |
| 16/12/2019 17:52 | Officer Upd | informed ap that I have requested CCTV from the premises and the venue will contact police if any footage available. Victim understands the difficulty in locating offender with minimal information.   |

**Incident 0441914 - Friday 15th November @ 23.00**

Initial Report - Assault x 3 Occ about 23.00hrs on 151119 at this location. A group of 6/7 people have come to the door and were refused entry due to one member not having required dress code. One male has then landed 3/4 punches on a doorman and inf stated "they all then jumped in punching and kicking him" Some bar staff intervned and they were assaulted as well

|                  |            |  |
|------------------|------------|--|
| Created On       |            |  |
| 18/11/2019 19:01 | Remarks/Fr | It is not victim confirmed to submit crime for assault - log can be closed pending recall from the victim  |
| 18/11/2019 15:45 | Remarks/Fr | Log to remain open until the victim who has been assaulted contacts the Police to submit the relevant assault crime  |
| 18/11/2019 14:25 | Remarks/Fr | i have tried ringing the informant but no answer,so will ask the afternoon lro to phone the informant.   |
| 18/11/2019 14:25 | Remarks/Fr | for evening lro to contact the informant for all details of the vitims.  |
| 18/11/2019 14:25 | Remarks/Fr | lro: I have spoken to William who was just about to open up the bar he has requested a call back at 11am 17/11 to discuss this further he hadnt managed to obtain all the witness details and stated he will have all the files together for in the morning  |
| 18/11/2019 14:25 | Remarks/Fr | Inf stated the males had been making themselves known to his door team "saying it is their street"" - and they are from a gypsy family. They made a threat to the inf on 091119 that they would close him down and smash the palce up following an incident when they were inside his premises   |
| 18/11/2019 14:25 | Remarks/Fr | contacted william no answer on call - no vm message facility   |
| 18/11/2019 14:25 | Remarks/Fr | Spoken with the Inft who is the Business Owner of the Bar on Friday eveing at 2300hrs member of door staff was seriously assaulted by the gropu of males Inft is going to email with the victims details so we can make contact and obtain details of the assault on the 09/11/19 the Inft was approached by the group of males at door entrance making thraets and swearing |
| 18/11/2019 14:25 | Remarks/Fr | Line is still ringing out. Inf making report of victim based crimes for other parties who are all adults and have not confirmed offences. There is limited information at this stage to record skeleton crimes. I will delay the log for final contact attempt in am.  |
| 18/11/2019 14:25 | Remarks/Fr | Still no response on mobile number. Rapide text sent above. Further delay to clarify circs - limited details for victims given, injuries, method of assault for the other victims etc.   |
| 18/11/2019 14:25 | Remarks/Fr | No voicemail facility. Rapide text sent and confirmed with my ext. Delay for further contact.  |
| 18/11/2019 14:19 | Remarks/Fr | Spoken with the Inft who is the Business Owner of the Bar on Friday eveing at 2300hrs member of door staff was seriously assaulted by the gropu of males Inft is going to email with the victims details so we can make contact and obtain details of the assault on the 09/11/19 the Inft was approached by the group of males at door entrance making thraets and swearing |
| 18/11/2019 08:33 | Remarks/Fr | contacted william no answer on call - no vm message facility   |
| 17/11/2019 20:34 | Remarks/Fr | Line is still ringing out. Inf making report of victim based crimes for other parties who are all adults and have not confirmed offences. There is limited information at this stage to record skeleton crimes. I will delay the log for final contact attempt in am.  |
| 17/11/2019 16:51 | Remarks/Fr | Still no response on mobile number. Rapide text sent above. Further delay to clarify circs - limited details for victims given, injuries, method of assault for the other victims etc.   |
| 17/11/2019 13:39 | Remarks/Fr | No voicemail facility. Rapide text sent and confirmed with my ext. Delay for further contact.  |
| 17/11/2019 11:29 | Remarks/Fr | i have tried ringing the informant but no answer,so will ask the afternoon lro to phone the informant.   |
| 16/11/2019 18:25 | Remarks/Fr | lro: I have spoken to William who was just about to open up the bar he has requested a call back at 11am 17/11 to discuss this further he hadnt managed to obtain all the witness details and stated he will have all the files together for in the morning  |
| 16/11/2019 13:44 | Remarks/Fr | for evening lro to contact the informant for all details of the vitims.  |

**Crime - Harassment**

Incident - 0441914

| Created on       |             |   |
|------------------|-------------|---|
| 16/03/2020 15:41 | Created     | Informant has been advised of his licensing conditions and that given he has he permitted entry to the group of offender on several occasions this would not support any harassment.  |
| 16/03/2020 15:35 | Officer Upd | From now speaking to PC Lawton regarding the same group of offenders for a crime that occurred on 27/12/2019 where he attended, there seems to be an issue with CCTV at the bar as this has been deleted and is not accessible. He further confirmed that when he spoke to the informant (William) at the bar, William had permitted some of the offenders entry to the bar and even offered to take one of them home, this would appear to undermine any allegation of harassment given this crime for harassment was submitted prior to the incident reported on 27/12 where the same group assaulted twp door staff. William he gave PC Lawton the impression, that he even appeared friendly with one of the males and that he did not want to support. Since this incident one of the offenders has been arrested for another more serious offence. Karen Packer has advised William of his licensing conditions as to whom he permits entry to the establishment, that he should be more mindful of allowing groups of males he knows have been responsible for causing issues previously in the bar. Since this incident and the assault of two door staff on 27/12 there have not been any similar incidents. With that and the information |
| 20/01/2020 22:06 | Officer Upd | Spoke to PC Lawton who is dealing with another incident for the same group of offenders and is believed to be arranging a VA process. From speaking to PC Lawton I believe that it has been difficult to make contact with the informant to arrange this. I will make contact with infn on my next TOD to discuss this  |
| 28/12/2019 18:35 | Created     | Crime to remain open as there has been another incident with the same individuals on 26th Dec. Karen Packer to be informed of this incident to discuss with William as they have a  |
| 28/12/2019 18:33 | Officer Upd | Spoken to William who is the informant, he has advised that the same males who were responsible for this incident returned on 26th in the evening and assaulted another doorman, This has been dealt with by PC 12450 it is unknown what the result of that incident was. William has confirmed that the doorman involved in this incident has not provided any details, he has not returned to the pub since November and William has no further details for him. I will liaise with PC 12450 on his next TOD and with Karen Packer who is the licensing manager. William has  |



**Incident 0417696/19 - Saturday 9th November @ 01.24 hours**

Initial Report - Disturbance outside Astoria. There had been a disturbance outside the Astria once everyone had left involving several males they were fighting and door staff couldn't control them but it is now calming down

|                  |           |   |
|------------------|-----------|---|
| Created on       |           |   |
| 09/11/2019 01:42 | Remarks/F | WAS - are you happy to close on above updates?  |
| 09/11/2019 01:42 | Remarks/F | cctv - checking cameras - there is nothing going on here  |
| 09/11/2019 01:38 | Remarks/F | NFD line cleared  |
| 09/11/2019 01:38 | Remarks/F | Inft states that they have all separated now and gone indifferent directions and nothing ongoing now  |
| 09/11/2019 01:37 | Remarks/F | Inft states no injuries he is aware of  |
| 09/11/2019 01:37 | Remarks/F | Recall from inft stating that the males involved have now left  |
| 09/11/2019 01:33 | Remarks/F | I HAVE ALSO SPOKEN TO ONE OF THE DOORSTAFF [REDACTED] HE SAYS THERE ARE STILL AT LOT OF PEOPLE ARE STILL OUTSIDE BUT THEY ARE A LOT CALMER AND NO ONE IS FIGHTING AT THE MOMENT |

**Crime - Affray**

Incident 0417696/19

| Created on       |           |   |
|------------------|-----------|---|
| 09/11/2019 08:18 | Officer U | PIP1 WRITE UP Unknown group of males has been eating at the restaurant. An argument arose between them and all males went outside of the restaurant and began fighting. Door staff intervened and all offenders made off in unknown direction. All parties have left and not returned since |

#### **Notes Made 260619 on the licensing database and ref to the visit**

I attended the premises and met with Will. We discussed the history of the premises and the problems it has caused in the past. We discussed the current problems on Flixton Rd and the work I have been doing with licensed premises to reduce crime and disorder and increase public safety.

It was discussed the license for Chadwick's is old and does not fit in with what needs to be achieved. We talked about Minor variations to the license and it was agreed I would email conditions with IO believed to be fitting with the premises with consideration of Will submitting a minor variation. Will was advised if he chose to submit the variation, if crime and disorder did occur I would consider taking the license for a review where I would be seeking to have the conditions imposed.

Will asked for my advice re door staff. I advised I was unable to nominate a door company, it was agreed to use a different door team to those that already work on Flixton Rd to reduce the possibility of one door team having the monopoly of the area.

#### **Notes Made 070819 on the licensing database and ref to the visit**

I attended at the premises and met Will and the Bara manager. Will confirmed they were opening on Saturday 10th August.

I informed Will I had still not received any paperwork and if he does not change the license over by the opening date he will not be able to sell alcohol. Will said he had submitted it to the Local Authority the previous day.

We talked about locking the disabled toilets to prevent drug dealing. Will confirmed he was having 4 door staff, 2 at the front, 1 at the back and 1 roaming. he was not allowing under 21's years to enter and there was a dress code, there will be a challenge 25 Will showed me the drinks list, the drinks are of an average price, Will said the price reflected the type of clientele he was trying to attract. The CCTV has been serviced. It covers externally and internally and all hotspots. The back door will not be accessible to the public whilst the premises are in operation. He will speak to the door company to suggest at least one wears body camera.

Will confirmed he had not submitted a variation with improved conditions, this was not because he was being awkward, he would get round to it.

## **CCTV FOOTAGE - Separate**

## Incidents recorded against the premises "Astoria" since 9<sup>th</sup> December 2021

### **18. Saturday 18<sup>th</sup> December 2021 @ 01.12 - Incident 0206**

Disturbance. All calmed down again now.

Trafford council CCTV note a disturbance outside Astoria. On police arrival no disturbance was ongoing. A male was identified from CCTV as possibly being involved. The male was intoxicated with a small amount of blood coming from his nose; however the male refused to engage with police wanting to go home. The male did confirm he had been punched by someone who was no longer in the area. R

### **Report 18<sup>th</sup> December @ 17.29 hours - Incident 2266**

The victim from the above assault later reported the incident. Caller states known offender, a traveller assaulted him whilst he was having a drink with family, offender's girlfriend former colleague came asking why he left without saying goodbye. Caller states offender thereafter approached him, punched him in the face about 4-5 times, spat in his ear. Later sister's partner grabbed him and threw him out of the bar

**Reported** - Trafford Council CCTV/ Victim

### **Result**

Crime x 1 Actual Bodily Harm

Whilst police were dealing with the above incident a member of staff from "Astoria" informed officers he was assaulted earlier in the evening as per below incident.

### **19. Saturday 18<sup>th</sup> December 2021 - Incident 0284**

Female member of staff has been assaulted by a male (Bar staff is male)

### **Result**

Crime x 1 Common Assault

The victim was at work when the offender who is supposed to be barred entered. The offender has approached the victim, punches him 4 times in the face banged his head into a cupboard and caused swelling to the jaw and back of head and stamps on his ankle.

### **20. Sunday 12<sup>th</sup> December 2021 @ 01.09 - Incident 0220**

Fighting 2 being held back from fighting. CCTV monitoring. Fighting appears to have stopped but there is a large crowd approximately 100 outside, trying to ascertain what has gone on.

### **Call received Sunday 12<sup>th</sup> December 2021 @ 01.28 - Incident 0275**

Male punched in the face. Informant says her friend was punches in the face by a female for no reasons, it was an unprovoked attack. The informant said her friend saw the bouncer tell someone "he needs to get punched"

**Caller** - Trafford Council CCTV/Victims friend

### **Result**

Crime x 1 Common Assault

3<sup>rd</sup> party report.

**Incident 0206 - Saturday 18th December @ 01.12 hours**

Initial Report - Disturbance

| Created on       | SubCateg | Description  |
|------------------|----------|--|
| 18/12/2021 01:40 | Remarks/ | 17550 everyone has dispersed   |
| 18/12/2021 01:28 | Remarks/ | 17550 - roc for s47 assault and will e-mail licensing officer            |
| 18/12/2021 01:19 | Remarks/ | 3528 - gatso cross street  |
| 18/12/2021 01:18 | Remarks/ | 17550 - one of the males has a bloody nose but will not engaged with me. |
| 18/12/2021 01:13 | Remarks/ | cctv - all calmed down again now.  |
| 18/12/2021 01:13 | Remarks/ | caller is cctv.  |

**Incident 2266 - Saturday 18th December @ 17.29 hours**

Initial Report - Assault. Caller states known offender, a traveller assaulted him whilst he was having a drink with family. Offenders girlfriend and former colleague came asking why he left without saying goodbye Offender thereafter approached him, punched him in the face 4-5 times, spat in his ear. Later sisters partner grabbed him and threw him out of the bar

| Created on       | Category | Description  |
|------------------|----------|--|
| 18/12/2021 19:12 | Remarks  | the crime has been closed so i will reopen it and complete with victim and offender details  |
| 18/12/2021 19:11 | Remarks  | there is a crime submitted and cri/06mm/0020147/21 appears to refer.   |
| 18/12/2021 19:08 | Remarks  | I have checked on the location and log 206-181221 seems to refer to the incident.  |
| 18/12/2021 18:04 | Remarks  | Caller states he did not require medical attention. states he is a first aider so he sorted himself out. Caller states he spoke to officers Collar numbers unknown saying they will be back on duty tonight about 1700hrs. States officers have his phone number and is waiting to speak to the officers. Caller would like officers to give him a call prior to attending as he would like to go and go christmas shopping. |
| 18/12/2021 18:04 | Remarks  | Log number passed to caller on the phone   |
| 18/12/2021 18:04 | Remarks  | Unable to locate incident where officers spoke to AP. AP divulged officers stated they will give him a ring back when next on duty. Apologies could not find log number or crime related to ROC..Advised Ap to update when officers attend or make contact.  |

**Crime - Assault Actual Bodily Harm - 20147/21**

Incident - 0206/2266

|                  |           |   |
|------------------|-----------|---|
| Created on       |           |   |
| 18/12/2021 02:40 | Officer U | Offender punches victim 4 times to the face, cutting inside his lip, pushes head into a cupboard causing injury to lower left jaw and back of head and stamps on his ankle. |



**Incident 0284 - Saturday 18th December 2021**

Initial Report - Assault. Female member of staff has been assaulted by a male

| Created on       | Category | Description              |
|------------------|----------|--------------------------|
| 18/12/2021 01:42 | Remarks  | 19374 - crime for sec 39 |

**Crime - Common Assault - 20148/21**

Incident - 0284

|                  |          |   |
|------------------|----------|---|
| Created on       |          |   |
| 18/12/2021 01:42 | Pc 12844 | known offender and bar staff have heated discussion in bar. Offender punches victim 4 times to the face, cutting inside his lip, pushes head into a cupboard causing injury to lower left jaw and back of head and stamps on his ankle. |

**Incident 0220 - Sunday 12th December 2021**

Initial report - Fighting 2 being held back from fighting, CCTV monitoring

| Created on       | Category | Description  |
|------------------|----------|--|
| 17/12/2021 12:54 | Remarks  | Requirement to attend was cancelled. Regraded to K.  |
| 12/12/2021 01:23 | Remarks  | cctv - all dispersed no fighting closed  |
| 12/12/2021 01:23 | Remarks  | cctv groups now seperated and one walking off  |
| 12/12/2021 01:11 | Remarks  | cctv - fighting appears to have stopped but there is a large crowd<br>apprx 100 outside trying to ascertain what has gone on |

**Incident 0275 - Sunday 12th December 2021**

Initial Report - Male punched in the face occ approx 01.00hrs. Inft said her friend was punched in the face by this female for no reason. Inft said it was an unprovoked attack and they don't know who this female is. Inft said her friend saw the bouncer tell someone "he needs to get punched"

| Created on       | Category | Description   |
|------------------|----------|---|
| 12/12/2021 18:11 | Remarks  | Have been trying to call inft no answer, have not rang up as u/k whether they are aware it has been reported, tried ringing inft to check. Has been SKEL crimed so wont fail NCRS   |
| 12/12/2021 18:10 | Remarks  | We have been trying to contact you regarding incident275-12122021 Please contact us using live chat at <a href="http://www.gmp.police.uk">www.gmp.police.uk</a> or call 101 and quote the incident number and let us know your availability |
| 12/12/2021 16:56 | Remarks  | Recall, no answer   |
| 12/12/2021 13:33 | Remarks  | Recall, no answer   |
| 12/12/2021 11:18 | Remarks  | Recall no answer  |
| 12/12/2021 04:22 | Remarks  | NFD LINE CLEARED  |
| 12/12/2021 01:46 | Remarks  | NFD LINE CLEARED  |
| 12/12/2021 01:42 | Remarks  | THE MALE IS AVAILABLE LATER ON IN THE MORNING/AFTERNOON TODAY TO BE CONTACTED   |
| 12/12/2021 01:41 | Remarks  | INFT AND HER FRIENDS (INCLUDING THE MALE WHO GOT HIT) ARE NOW HEADING HOME AND HAVE LEFT THE SCENE  |
| 12/12/2021 01:38 | Remarks  | INFT'S FRIEND DOESNT REQUIRE AMB OR MEDICAL ASSISTANCE  |
| 12/12/2021 01:37 | Remarks  | INFT SAYS THEY CAN STILL SEE THE FEMALE BUT THEY ARE AT A SAFE DISTANCE   |
| 12/12/2021 01:37 | Remarks  | DESC OF FEMALE .....  |

**Crime - Common Assault - 19769**

Incident 0220/0275

|                  |         |   |
|------------------|---------|---|
| Created on       |         |   |
| 12/12/2021 01:37 | Remarks | Unknown offender has punched AP in the face. Offender has then made off in an unknown direction |

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APPENDIX D  
 REPRESENTATION FROM POLLUTION AND HOUSING TEAM  
**Trafford Council**

## The Licensing Act 2003

### Responsible Authority Representation Form

FAO The Licensing Service, Licensing Section, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

| <b>Section 1 - Application Details</b>  |  |
|---|--|
| <p><b>I wish to make a representation against the following application:</b><br/>           Applicant's name (if known):</p> <p>Premises name and address:<br/> <b><i>Astoria Bar and Restaurant</i></b><br/> <i>32 - 34 Flixton Road, Urmston, Manchester, M41 5AN</i></p> |  |
| Type of Application: Premises licence review  |  |
| Application Number (if known):  |  |

| <b>Section 2 – Responsible Authority's Details</b>   |   |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
|--|---|--------------------------|-------------------------|--------------------------|---------------------------|--------------------------|--------------------------|--------------------------|-----------------------------|-------------------------------------|--------------------------------|--------------------------|---|--------------------------|---|--------------------------|--|--------------------------|---------------------|--------------------------|-------------------------------------|--------------------------|-------|
| <p><b>Responsible Authority's Details:</b><br/>           Please tick appropriate box:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 40px; border: 1px solid black;"><input type="checkbox"/></td><td>Chief Officer of Police</td></tr> <tr><td style="border: 1px solid black;"><input type="checkbox"/></td><td>Fire and Rescue Authority</td></tr> <tr><td style="border: 1px solid black;"><input type="checkbox"/></td><td>Local Planning Authority</td></tr> <tr><td style="border: 1px solid black;"><input type="checkbox"/></td><td>Health and Safety Authority</td></tr> <tr><td style="border: 1px solid black;"><input checked="" type="checkbox"/></td><td>Environmental Health Authority</td></tr> <tr><td style="border: 1px solid black;"><input type="checkbox"/></td><td>Bodies recognised as being responsible for protection of children from harm</td></tr> <tr><td style="border: 1px solid black;"><input type="checkbox"/></td><td>Local Authority Director of Public Health</td></tr> <tr><td style="border: 1px solid black;"><input type="checkbox"/></td><td>Local Weights and Measures Authority (Trading Standards)</td></tr> <tr><td style="border: 1px solid black;"><input type="checkbox"/></td><td>Licensing Authority</td></tr> <tr><td style="border: 1px solid black;"><input type="checkbox"/></td><td>Home Office Immigration Enforcement</td></tr> <tr><td style="border: 1px solid black;"><input type="checkbox"/></td><td>Other</td></tr> </table> |   | <input type="checkbox"/> | Chief Officer of Police | <input type="checkbox"/> | Fire and Rescue Authority | <input type="checkbox"/> | Local Planning Authority | <input type="checkbox"/> | Health and Safety Authority | <input checked="" type="checkbox"/> | Environmental Health Authority | <input type="checkbox"/> | Bodies recognised as being responsible for protection of children from harm | <input type="checkbox"/> | Local Authority Director of Public Health | <input type="checkbox"/> | Local Weights and Measures Authority (Trading Standards) | <input type="checkbox"/> | Licensing Authority | <input type="checkbox"/> | Home Office Immigration Enforcement | <input type="checkbox"/> | Other |
| <input type="checkbox"/>   | Chief Officer of Police   |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input type="checkbox"/>   | Fire and Rescue Authority   |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input type="checkbox"/>   | Local Planning Authority  |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input type="checkbox"/>   | Health and Safety Authority   |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input checked="" type="checkbox"/>  | Environmental Health Authority  |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input type="checkbox"/>   | Bodies recognised as being responsible for protection of children from harm |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input type="checkbox"/>   | Local Authority Director of Public Health                                   |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input type="checkbox"/>   | Local Weights and Measures Authority (Trading Standards)                    |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input type="checkbox"/>   | Licensing Authority   |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input type="checkbox"/>   | Home Office Immigration Enforcement   |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| <input type="checkbox"/>   | Other   |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| Full name:   | Peter Belfield  |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| Job Title:   | Environmental Health Officer  |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| Tele number:   | 0161 912 4579   |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |
| Email:   | Peter.belfield@trafford.gov.uk  |                          |                         |                          |                           |                          |                          |                          |                             |                                     |                                |                          |   |                          |   |                          |  |                          |                     |                          |                                     |                          |       |

**APPENDIX D**  
**REPRESENTATION FROM POLLUTION AND HOUSING TEAM**

Address:  
 Pollution & Housing Team, Regulatory Services, Trafford Council, Trafford Town Hall,  
 Talbot Road, Stretford, Trafford M32 0TH

**Section 3 – Representations**

|                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | We object to the Licence being granted at all               |
| <input checked="" type="checkbox"/> | We object to the Licence being granted in its current form* |

\*If you choose this option remember to tell us in section 3B what changes you would like to see.

Your representation must be relevant to the effect of the application on the promotion of one or more of the four licensing objectives. Please complete the boxes below as fully as possible. If you do not then your representation may not be accepted.

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

**Section 3A – The Licensing Objectives**

|                               |  |
|-------------------------------|--|
| To prevent crime and disorder | <i>Please state your reasons:</i><br><br>N/A |
| Public safety                 | <i>Please state your reasons:</i><br>N/A     |



APPENDIX D  
REPRESENTATION FROM POLLUTION AND HOUSING TEAM

|                            |   |
|----------------------------|---|
| To prevent public nuisance | <p><i>Please state your reasons:</i></p> <p>Complaints from two households were received on 26 and 27 July 2021 about loud music breakout that was verified by a subsequent monitoring visit on 3 September 2021. It was noted during the visit at approx. 9.45 – 10.45pm that loud RnB music was audible by residential premises. This music was confirmed to be emanating from the Astoria premises frontage especially through doors that were being kept open. A letter was sent to the Premises Manager on 7 September 2021 advising of complaints and the outcome of the monitoring visit which confirmed the likelihood of a statutory nuisance being caused. The letter also requested that action was taken to abate the nuisance. A second visit to the monitoring location on 17 September 2021 found that music noise breakout had reduced significantly and that doors to the premises were being kept closed.</p> |
|----------------------------|---|

|                                      |   |
|--------------------------------------|---|
| The protection of children from harm | <p><i>Please state your reasons:</i></p> <p>N/A</p> |
|--------------------------------------|---|

APPENDIX D  
REPRESENTATION FROM POLLUTION AND HOUSING TEAM

**Section 3B – Suggestions/Further information**

Please give any suggested conditions that could be added to the licence to remedy the cause of your representations, or other considerations you would like the Licensing Sub-Committee to take into account.

The current Licence contains the following condition which relates to the control of music noise:

*4. Music and associated sources (including DJ's and amplified voices) should generally not be audible inside noise sensitive properties at any time.*

It is considered that the above condition would be difficult to verify, either by the Licence holder or council enforcement officers, since access would be required to the inside of noise sensitive properties in order to check on compliance.

I would therefore request that any Licence granted following the review **has this condition removed, and replaced with the following**, which is considered a more meaningful and enforceable control measure.

***Noise from music and associated sources (including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.***

I would also request that the following additional condition is attached to the Licence to ensure that music noise breakout through openings can be minimised, since this is an issue that has been highlighted during the investigation of complaints:

***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.***

I confirm that this representation may become a public document

Signed *PB* dated 22<sup>nd</sup> December 2021

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with this representation. This is punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale.

Please return this form along with any additional sheets to: **The Licensing Service,**

APPENDIX D  
REPRESENTATION FROM POLLUTION AND HOUSING TEAM  
**Trafford Council; Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0HT**  
or email to [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk).

This form must be returned within the Statutory Period. Please check with the Licensing Section by emailing [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk)

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APPENDIX E  
 REPRESENTATION FROM TRADING STANDARDS  
 Trafford Council

## The Licensing Act 2003

### Responsible Authority Representation Form

FAO The Licensing Service, Licensing Section, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

| <b>Section 1 - Application Details</b>                                    |  |
|---|--|
| <b>I wish to make a representation against the following application:</b> |  |
| Applicant's name (if known):  |  |
| Shaw Leisure Holding Ltd  |  |
| Premises name and address:  |  |
| Astoria Bar & Grill<br>32-34 Flixton Road,<br>Urmston<br>M41 5AN          |  |
| Type of Application:  |  |
| Licence Review  |  |
| Application Number (if known):  |  |

| <b>Section 2 – Responsible Authority's Details</b> |   |
|--|---|
| <b>Responsible Authority's Details:</b>            |   |
| Please tick appropriate box:                       |   |
| <input type="checkbox"/>                           | Chief Officer of Police   |
| <input type="checkbox"/>                           | Fire and Rescue Authority   |
| <input type="checkbox"/>                           | Local Planning Authority  |
| <input type="checkbox"/>                           | Health and Safety Authority   |
| <input type="checkbox"/>                           | Environmental Health Authority  |
| <input type="checkbox"/>                           | Bodies recognised as being responsible for protection of children from harm |
| <input type="checkbox"/>                           | Local Authority Director of Public Health                                   |
| <input checked="" type="checkbox"/>                | Local Weights and Measures Authority (Trading Standards)                    |
| <input type="checkbox"/>                           | Licensing Authority   |
| <input type="checkbox"/>                           | Home Office Immigration Enforcement   |
| <input type="checkbox"/>                           | Other   |
| Full name:   | Janis Green   |
| Job Title:   | Trading Standards Officer   |
| Tele number:                                       | 07971 840129  |
| Email:   |   |

**APPENDIX E  
REPRESENTATION FROM TRADING STANDARDS**

Address:

Trafford Council  
 Trafford Town Hall  
 Talbot Road  
 Stretford  
 Manchester  
 M32 0TH

**Section 3 – Representations**

|                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | We object to the application being granted at all               |
| <input checked="" type="checkbox"/> | We object to the application being granted in its current form* |

\*If you choose this option remember to tell us in section 3B what changes you would like to see.

Your representation must be relevant to the effect of the application on the promotion of one or more of the four licensing objectives. Please complete the boxes below as fully as possible. If you do not then your representation may not be accepted.

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

**Section 3A – The Licensing Objectives**

|                               |                                   |
|-------------------------------|-----------------------------------|
| To prevent crime and disorder | <i>Please state your reasons:</i> |
| Public safety                 | <i>Please state your reasons:</i> |

APPENDIX E  
REPRESENTATION FROM TRADING STANDARDS

|                            |                                   |
|----------------------------|-----------------------------------|
|                            |                                   |
| To prevent public nuisance | <i>Please state your reasons:</i> |

|                                      |   |
|--------------------------------------|---|
| The protection of children from harm | The existing licence conditions relevant to Protection from Children from harm are felt to be inadequate. Therefore it would be more appropriate for the conditions suggested in Section3B be added to the licence on review- |
|--------------------------------------|---|

APPENDIX E  
REPRESENTATION FROM TRADING STANDARDS

**Section 3B – Suggestions/Further information**

Please give any suggested conditions that could be added to the licence to remedy the cause of your representations, or other considerations you would like the Licensing Sub-Committee to take into account.

Trading Standards would like to see the following conditions added to the licence now to ensure that children are protected from harm during the business's operating hours.

The business is required to -

- 1) Operate the Challenge 25 scheme 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 www.trafford.gov.uk 144 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.
- 2) Display prominent signage indicating at the entrance to the premises and in all areas where alcohol is located for sale that the Challenge 25 scheme is in operation
- 3) Maintain a record 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 a reasonable time of a request by a Trading Standards and/or Police officer.
- 4) Provide training, at least once a year, to existing staff, on the law relating to underage sales of alcohol including Challenge 25 policy, and training for all new staff on the sale of age restricted products.
- 5) To keep written records of all training provided in respect to the law relating to underage sales of alcohol. Staff to sign and date records to confirm that the training has been received and understood. These records must be produced immediately on request to Trading standards and/or Police officers

I confirm that this representation may become a public document

Signed .....  ..... dated...5<sup>th</sup> January 2022.....

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with this representation. This is punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale.

Please return this form along with any additional sheets to: **The Licensing Service, Trafford Council; Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0HT**



APPENDIX E  
REPRESENTATION FROM TRADING STANDARDS

or email to [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk).

This form must be returned within the Statutory Period. Please check with the Licensing Section by emailing [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk)

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APPENDIX F  
PROPOSED ADDITIONAL CONDITIONS  
GREATER MANCHESTER POLICE

**General Conditions**

- Removal of the current door team "Securitite" to be replaced with a door security company who are members of the 'Approved Contractor Status Scheme 'ACS managed by the Security Industry Authority (SIA).
- Notify the police and relevant authorities of the details of the ACS approved contractor Status Company when appointed and any changes made in the future.
- No less than 6 door staff in operation on the premises each Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve until 30 minutes after the terminal hour.
- Removal of the current Designated Premises Supervisor.
- A dress code to include no hoodies or caps to be worn inside the premises.
- The rear door leading to a delivery yard to be a fire exit only and not to be used for any other purpose.
- There to be no furniture or table and chairs to the front external area.
- No alcohol or refreshments can be consumed in any external area. For the purposes of off sales, alcoholic drinks and refreshments must be in a sealed container and consumed away from the premises.
- Polycarbonate vessels to be used on a Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve and to be risk assessed at all other times
- No vertical drinking will be permitted. Customers must be seated to consume alcohol

APPENDIX F  
PROPOSED ADDITIONAL CONDITIONS  
GREATER MANCHESTER POLICE

- A personal licence holder will be on duty on the premises at all times from 18.00 hours on Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve until 30 minutes after the terminal hour.
- A direct telephone number for the manager of the premises shall be available at all times to the public whilst the premises are in operation.
- The premises licence holder shall ensure that staff at the premises are trained in respect of licensing legislation, responsible retailing, refusal of service and challenge 25 as befits their particular roles.
- The premises licence holder shall maintain a dispersal policy dealing with matters pertaining to dispersal of customers from the premises. Door staff shall ensure customers do not congregate outside the premises whilst the premises are in operation. A copy of the policy shall be kept at the premises and produced for inspection at the request of police or authorised officers

**Licensable Activity**

- Licensable activities to cease at Midnight
- The premises to close at 00.30 hours
- There shall be no admittance or re-admittance to the premises after 22.45 hours.
- The premises to operate a strict no under 21's policy on a Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve and there shall be no under 21's on the premises from 21.00 hours until close of business except where licensable activities cease at 23.00 hours.
- A challenge 25 proof of age scheme shall be operated at the premises where only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

APPENDIX F  
PROPOSED ADDITIONAL CONDITIONS  
GREATER MANCHESTER POLICE

**Search Policy**

- A search policy shall be in place and will include procedures for the confiscation of prohibited articles such as drugs and weapons. Searches will be conducted at the discretion of SIA registered door staff. Search policy to include random searching.

**CCTV:**

- The premises shall maintain a comprehensive CCTV system on the licensed premises.
- CCTV cameras cover internal and external areas of the Premises and all areas where customers have legitimate access (Excluding Toilets).
- One CCTV camera is specifically positioned to capture facial images of any persons entering the Premises at the main entrance and all other entrances where searches may be undertaken, the searches of patrons will be captured on the CCTV camera.
- All areas are sufficiently illuminated for the purposes of the recording of CCTV images.
- All CCTV recorded images have sufficient clarity/quality/definition to enable facial recognition to an evidential standard.
- CCTV images are retained in an unedited format for a period of 31 consecutive days.
- Any person left in charge of the Premises is trained in the use of any such CCTV equipment and is able to produce/download/burn CCTV images to an evidential standard.
- CCTV is maintained on a regular basis and kept in good working order at all times and images shall be produced to the Police or Authorised Licensing Officers (Trafford Council Licensing Service) immediately upon request.
- CCTV checked daily and a written record to be kept of such checks. If found not to be in good working order to notify the police and the Licensing Authority, and rectify the fault within 3 days.
- The CCTV system records images at all times that any member of the public is at or on the Premises. For the purpose of this condition a “member of the public” is defined as is any person other than the DPS, Premises Licence Holder, Spouse, Partner or Employee thereof.
- A TV monitor to be placed at the entrance relaying live images of all persons entering the Premises to the patrons.

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**Notices:**

- Posters, no smaller than A4 size, are clearly and prominently displayed at the entrance and exit of the Premises stating that CCTV is in operation and that images are being captured for the purposes of crime prevention and public safety.
- Posters no smaller than A4 size clearly and prominently displayed stating that bag searches are undertaken.
- Posters no smaller than A4 size, clearly and prominently displayed stating Premises operate a zero tolerance policy to drugs

**Drugs:**

- If any individual is found to be in possession of a small amount of drugs for personal use following a search, the SIA registered supervisor conducting the search will advise the individual that the drugs in question will not be returned to them and that the drugs will be handed to the police for destruction.
- The drugs seizure will be captured on the CCTV, in accordance with the CCTV condition herein.
- Following this the date, time and name of the person who seized the drugs, together with the suspected type of drug, will be recorded in a 'Drugs Book' to be kept on the Premises and then secured within a safe on the Premises.
- Police Officers will attend on an agreed weekly or fortnightly basis to collect any drugs from the safe for destruction, and the Officers will sign the 'Drugs Book' to confirm the drugs have been removed from the Premises and handed to the Police.

**Door Supervisors**

- A minimum of 6 SIA licensed door supervisors shall be on duty from 19.00 hours at the premises on Friday, Saturday and Sunday and on any day prior to a bank holiday, Christmas Eve, Boxing Day, and New Year's Eve.

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- At least 50% of the licensed door supervisors on duty at any time shall wear body worn cameras which must be in operation at all times.
- The premises licence holder shall risk assess the need for and the numbers of SIA licensed door supervisors required on any other night or at any other time.
- SIA licensed door supervisors to be in radio communication at all times with the premises management staff.
- Prior to any "designated sporting event" the premises licence holder shall ensure that a written risk assessment is undertaken assessing the need for and the numbers of SIA licensed door supervisors needed on the day of the event.
- At least 2 SIA licensed door supervisors shall be on duty at all times at the front of the premises from 19.00 hours with an additional 2 licenced door supervisors from 21.00 until 30 minutes after the last customer has left the premises.
- Search and ID checks to be conducted within view of the CCTV camera which will be positioned at the entrance when door supervisors are on duty.
- On departure two members of the door team to be responsible for departure of internal elements of the Premises and will undertake the departure in a controlled manner.
- The door supervisors to all be in radio communication with one another
- The door supervisors will encourage patrons to leave the area and encourage the use of taxi's and walking home to avoid groups congregating.
- The Premises Licence Holder shall ensure that a record of all SIA Door Supervisors employed at the premises is kept and which includes the following details:

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- a. Full name and date of birth
  - b. 16 digit SIA badge number
  - c. Dates and times employed
- This record, which may be electronic, shall be made available to the Police Licensing Team or Authorised Officers on request.
  - The premises will operate a search policy, including the use of search wands, from 21:00 on a Friday, Saturday and Sunday and any day prior to a bank holiday, Christmas Eve, Boxing Day and New Year's Eve, and/or at such times when SIA licensed door supervisors are on duty (except where licensable activities cease at 23.00 hours) which will be operated by SIA licensed door supervisors and monitored by the premises CCTV system.
  - All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests
  - An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
    - all crimes reported to the venue
    - all ejections of patrons
    - any complaints received concerning crime and disorder
    - any incidents of disorder
    - all seizures of drugs or offensive weapons
    - any faults in the CCTV system, searching equipment or scanning equipment
    - any visit by a relevant authority or emergency service
  - In the event that a serious assault is committed on the premises or in the immediate vicinity of the premises (or appears to have been so committed) the management will immediately ensure that:
    - The police (and, where appropriate, the Ambulance Service) are called without delay;
    - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
    - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and



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- Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises
- The Premises Licence Holder/DPS shall invite the Police Licensing Team to meet once every quarter to discuss any issues (if any) pertaining to operation of the premises.

**Public Safety**

- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The Premises Licence Holder shall operate a strict "no drugs" policy at the premises with notices advising customers of the policy clearly displayed at the entrance to the Premises.
- The premises holder shall have in place a clear and detailed dispersal policy for the premises which all door supervisors and staff will be trained so that they are aware and undertake the process whenever the premises are open to the public.

**The Protection Of Children From Harm**

- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
- A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
- Any child under the age of 18 years must be accompanied by an adult/parent, with no child under the age of 16 allowed at the premises beyond 20.00 hours

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APPENDIX G  
PROPOSED AMENDED/ADDITIONAL CONDITIONS  
POLLUTION AND HOUSING TEAM

Agreed with Premises Licence Holder:

Proposed new condition:

External windows to the front of the premises to be closed at 10pm Friday and Saturday nights (or any other time when a DJ is present).

Current condition to be reworded:

*4. Music and associated sources (including DJ's and amplified voices) should generally not be audible inside noise sensitive properties at any time.*

Proposed reworded condition:

Noise from music and associated sources (including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.

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APPENDIX H  
PROPOSED ADDITIONAL CONDITIONS  
TRADING STANDARDS

Agreed with Premises Licence Holder:

- 1 Operate the Challenge 25 scheme 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 [www.trafford.gov.uk](http://www.trafford.gov.uk) 144 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.
- 2 Display prominent signage indicating at the entrance to the premises and in all areas where alcohol is located for sale that the Challenge 25 scheme is in operation
- 3 Maintain a record 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 a reasonable time of a request by a Trading Standards and/or Police officer.
- 4 Provide training, at least once a year, to existing staff, on the law relating to underage sales of alcohol including Challenge 25 policy, and training for all new staff on the sale of age restricted products.
- 5 To keep written records of all training provided in respect to the law relating to underage sales of alcohol. Staff to sign and date records to confirm that the training has been received and understood. These records must be produced immediately on request to Trading standards and/or Police officers

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Home Office

# **Revised Guidance issued under section 182 of the Licensing Act 2003**

April 2018

## **Revised Guidance issued under section 182 of the Licensing Act 2003**

April 2018





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# 1. Introduction

## The Licensing Act 2003

1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at [www.legislation.gov.uk](http://www.legislation.gov.uk). The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 16).

## Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

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

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

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

## The guidance

- 1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance takes effect as soon as it is published. Where a licence application was made prior to the publication of the revised guidance, it should be processed in accordance with the guidance in effect at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.

## Purpose

- 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

## Legal status

- 1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

## Licensing policies

- 1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
- 1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

## Licensable activities

- 1.13 For the purposes of the 2003 Act, the following are licensable activities:
- 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; and
  - The provision of late night refreshment.

Further explanation of these terms is provided in Chapter 3.

## Authorisations or permissions

- 1.14 The 2003 Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
  - Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
  - Temporary event notice – to carry out licensable activities at a temporary event.
  - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

## General principles

- 1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

## Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

## Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

## Additional guidance

1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the Gov.uk website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

## Other relevant legislation

1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

## 2. The licensing objectives

### Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.



- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## **Public safety**

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

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<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible

authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate



authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

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

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

## Table of relevant offences under the 2003 Act

| Section      | Offence   | Prosecuting Authority   |
|--------------|---|---|
| Section 145  | Unaccompanied children prohibited from certain premises | Police and/or Licensing Authority                                       |
| Section 146  | Sale of alcohol to children                             | Police, Licensing Authority and/or Local Weights and Measures Authority |
| Section 147  | Allowing the sale of alcohol to children                | Police, Licensing Authority and/or Local Weights and Measures Authority |
| Section 147A | Persistently selling alcohol to children                | Police and/or Local Weights and Measures Authority                      |
| Section 149  | Purchase of alcohol by or on behalf of children         | Police and/or Licensing Authority                                       |
| Section 150  | Consumption of alcohol by children                      | Police and/or Licensing Authority                                       |
| Section 151  | Delivering alcohol to children                          | Police and/or Licensing Authority                                       |
| Section 152  | Sending a child to obtain alcohol                       | Police and/or Licensing Authority                                       |
| Section 153  | Prohibition of unsupervised sales by children           | Police and/or Licensing Authority                                       |

# 3. Licensable activities

## Summary

- 3.1 A premises licence authorises the use of any premises (see Chapter 5) for licensable activities. Licensable activities are defined in section 1 of the 2003 Act, and a fuller description of certain activities is set out in Schedules 1 and 2 to the 2003 Act.
- 3.2 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; and
  - the provision of late night refreshment.

## Wholesale of alcohol

- 3.3 The sale of alcohol to the general public is licensable under the 2003 Act in accordance with the definition of “sale by retail” in section 192 of the 2003 Act. This section makes it clear that, to be excluded from the meaning of “sale by retail”, a sale must be:
- made from premises owned by the person making the sale, or occupied under a lease with security of tenure; and
  - for consumption off the premises.
- 3.4 In addition, to be excluded, the sales must be sales which are made to:
- a trader for the purpose of his trade;
  - to a club for the purposes of that club;
  - to a holder of a premises licence or a personal licence for the purpose of making sales under a premises licence; or
  - a premises user who has given a temporary event notice, for the purpose of making sales authorised by that notice.
- 3.5 If an employee were buying alcohol as an “agent” for their employer and for the purposes of their employer’s trade (i.e. selling alcohol), this could be treated as a sale to a trader. If, however, an employee were buying for the employee’s own consumption, this would be a retail sale, and would require a licence.
- 3.6 The same considerations apply in the case of caterers who supply alcohol to their customers. Where a caterer purchases alcohol and then sells this alcohol to its customer, an authorisation will be required at the location where the retail sale of the alcohol is made (likely to be the caterer’s own premises). If the customer was proposing to sell the alcohol under an authorisation, it is the customer who would need an authorisation under the 2003 Act. In this case, the exemption under the 2003 Act may apply to the sale made by the caterer.
- 3.7 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN)



against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

## **Mobile, remote, internet and other delivery sales**

- 3.8 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.
- 3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.
- 3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

## **Regulated entertainment**

- 3.11 Schedule 1 to the 2003 Act sets out what activities are to be treated as the provision of regulated entertainment and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime, including incidental music – (see paragraphs 16.1 to 16.3 below). Chapter 16 of this Guidance document sets out the types of entertainment regulated by the 2003 Act.

## Late night refreshment

- 3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.
- 3.13 Shops, stores and supermarkets selling only cold food and cold drink, whether it is immediately consumable or not, from 23.00 are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or drink at any time from 23.00 and until 05.00. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.
- 3.14 Some premises provide hot food or hot drink between 23.00 and 05.00 by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.
- 3.15 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.
- 3.16 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions.
- 3.17 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.
- 3.18 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as "free of charge". Supplies by a registered charity or anyone authorised by a registered charity are also exempt.
- 3.19 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are not exempt (see section 3.34 below for more detail on provisions for 'Vessels, vehicles and moveable structures').
- 3.20 Supplies of hot food or hot drink from 23.00 are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:

- a member of a recognised club supplied by the club;
- persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
- an employee of a particular employer (for example in a staff canteen);
- a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
- a guest of any of the above.

## **Late night refreshment exemptions based on designated locations, premises types and times**

- 3.21 The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. However, these safeguards may not be needed everywhere or for every type of late night refreshment business. For example, some late-night cafés serving hot drinks after 23.00 may be located nowhere near pubs and nightclubs or areas associated with alcohol-related crime and disorder.
- 3.22 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour, disorder associated with the night time economy, or illegal working in licensed premises. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.
- 3.23 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).
- 3.24 When choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.
- 3.25 When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:
- Motorway service areas;
  - petrol stations;
  - local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
  - schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;

- hospitals (except domestic premises);
  - community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
  - licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 23.00 and 05.00.
- 3.26 When choosing to exempt the provision of late night refreshment at particular times, the relevant licensing authority must determine the times between 23.00 and 05.00 when the exemption applies. The exemption and any subsequent change to the time will apply to the whole licensing authority area.
- 3.27 A relevant licensing authority may use more than one type of exemption at the same time, for example by changing the times across the licensing authority area during which licensing requirements will apply and also exempting premises by type across the whole licensing authority area. However, it cannot use different forms of exemption in conjunction with one another – for example, it would not be permitted to change the times in one geographic area only.
- 3.28 Where a premises is situated in the areas of two or more licensing authorities, any of those authorities may be the relevant licensing authority and it would be advisable for an authority wishing to apply an exemption to discuss it with the other authority concerned. This might apply, for example, where an area or premises type exemption is being applied and the licensing authority is aware that a particular premises such as a motorway service area sits across the boundary of two or more licensing authority areas.
- 3.29 Licensing authorities should consider deregulation where possible. However, they do not have to use the exemptions and can continue to require all late night refreshment providers to be licensed where this is appropriate for the promotion of the licensing objectives.
- 3.30 Existing late night refreshment licences for premises that become exempt from regulation will remain extant unless the holder chooses to surrender it to the licensing authority, but there will be no requirement on the licence holder to pay annual fees and any conditions on the licence will cease to apply for as long as the exemption is in place. In cases where an exemption in relation to late night refreshment provision is applied, other licensing is unaffected. For example if a premises is licensed to sell alcohol and is exempt from requiring a late night refreshment licence, their licence in respect of the sale of alcohol is unaffected. Where a premises benefits from an exemption applied by the licensing authority, any existing conditions on a licence relating solely to the provision of late night refreshment will have no effect during the period of the exemption.
- 3.31 When deciding which exemption to use, if any, the relevant licensing authority should always first consider what the risks are in terms of the promotion of the licensing objectives, including the prevention of illegal working in those premises. The decision to make an exemption is a licensing function that licensing authorities should include within their statement of licensing policy. It would then therefore be subject to the statutory consultation process with other responsible authorities and relevant parties set out in section 5 of the 2003 Act. However, it is for the licensing authority to decide on the detail

and extent of the consultation beyond the statutory minimum; for example, in areas where there are concerns about illegal working in licensed premises the licensing authority should consult Home Office Immigration Enforcement. The licensing authority may decide to only consult on the proposed exemption or, alternatively, it may form part of a wider review of other matters within its statement of licensing policy.

- 3.32 When applying any of the exemptions the relevant licensing authority must publicise the changes and should decide on the most appropriate way to do this, in addition to updating its statement of licensing policy as soon as is practical. There is no requirement for licensing authorities to tell premises individually, however they should publicise the exemption in a way that ensures that those who are likely to be affected may benefit from it. If any fees are paid prior to an exemption coming into effect, licensing authorities should consider whether a refund or partial refund is appropriate. It is for each individual licensing authority to develop its own refund policy and ensure that it is communicated appropriately to all licence holders that are likely to be affected by an exemption.
- 3.33 Licensing authorities can review the exemptions at any time, to change the times, locations or types. However, unlike many other types of licensing decision, the late night refreshment exemptions are not made on a case by case basis and there is no recourse to bring an individual premises back into the licensing regime if there is a problem with that particular premises. In such cases the licensing authority would have to take a decision about the entire exemption and apply it across the whole area. Alternatively, depending on the scale of the problem, other powers could be used such as closure powers under the Anti-social Behaviour, Crime and Policing Act 2014. Environmental health legislation around noise nuisance may also offer a solution.

## **Late night refreshment from vessels, vehicles and moveable structures**

- 3.34 Under section 189 of the 2003 Act, a vehicle which is not permanently situated in the same place and is or is proposed to be used for one or more licensable activities while parked at a particular place, is to be treated as if it were premises situated at that place. Therefore, a mobile provider of late night refreshment, such as a kebab van, could be treated as exempt if it supplied hot food to the public late at night in an area which had been designated as exempt. If the mobile van drove to and began operating in a non-exempt area, a licence to carry on this activity would be required. Should the licensing authority introduce an exemption, and subsequently wish to revoke it if problems arise, it has the power to do so. Areas which are likely to be considered for exemption by licensing authorities (for example, an area outside a town centre) are unlikely to be areas in which mobile kebab vans would frequently operate. As such, mobile vehicles selling late night refreshment are likely to still require licences in the areas in which they are more commonly found.

## Unauthorised activities

- 3.35 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed at paragraph 3.2 above other than in accordance with a licence or other authorisation under the 2003 Act. The fine for this offence is unlimited. Police and local authorities have powers to take action in relation to premises carrying on unauthorised activities.



## 4. Personal licences

- 4.1 This chapter provides advice about the framework for personal licences. It also contains guidance for decision-making on applications by those managing community premises (church and village halls etc.) to remove the usual mandatory conditions that relate to personal licences and the requirement for a designated premises supervisor (DPS). The Deregulation Act 2015 removed the requirement to renew a personal licence with effect from 1 April 2015.

### Requirements for a personal licence

- 4.2 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder. The exception is only for those community premises which have successfully applied to remove the DPS requirement (see paragraph 4.52 below).
- 4.3 Any premises at which alcohol is sold or supplied where the requirement for a personal licence holder does apply may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence. However, the requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to be present on the premises or oversee each sale; it is sufficient that such sales are authorised. It should be noted that there is no requirement to have a DPS in relation to a Temporary Event Notice (TEN) or club premises certificate, and sales or supplies of alcohol authorised by a TEN or club premises certificate do not need to be authorised by a personal licence holder.

### Who can apply?

- 4.4 In the case of an application for a personal licence under Part 6 of the 2003 Act, the requirements are that:
- the applicant must be aged 18 or over;
  - the applicant, if subject to immigration control, must have permission to work in a licensable activity (see paragraph 4.8);
  - the applicant possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person as prescribed in the Licensing Act 2003 (Personal licences) Regulations 2005<sup>2</sup>).
  - the applicant must not have forfeited a personal licence within five years of their application;
  - the applicant has paid the appropriate fee to the licensing authority; and

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<sup>2</sup> Currently persons prescribed in regulations are: a member of the company of the Master, Wardens, Freemen and Commonalty of the Mystery of the Vintners of the City of London; a person operating under a licence granted by the University of Cambridge; or a person operating premises under a licence granted by the Board of the Green Cloth.

- in a case in which the applicant has an unspent conviction for a relevant offence or a foreign offence, the police have not objected to the grant of the application on crime prevention grounds or the licensing authority has considered their objection but determined that the grant of the application will not undermine the crime prevention objective.
- 4.5 Any individual may apply for a personal licence whether or not they are currently employed or have business interests associated with the use of the licence. The issues which arise when the holder of a personal licence becomes associated with particular licensed premises and is specified as the DPS for those premises are dealt with at paragraphs 4.31 to 4.38 below. Licensing authorities may not therefore take these matters into account when considering an application for a personal licence.
- 4.6 Applicants for personal licences who are ordinarily resident in a licensing authority's area are required to make the application to that licensing authority. An applicant who is not ordinarily resident in a licensing authority's area (which may include persons living outside England and Wales), may apply for the grant of a personal licence to any licensing authority in England and Wales.
- 4.7 For applications made after 6 April 2017, applicants who are subject to UK immigration control must be entitled to work in a licensable activity. Section 192A of the Licensing Act 2003 defines 'entitlement to work' for the purposes of the Act

## **Entitlement to work in the UK**

- 4.8 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, from 6 April 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK and should require applicants to submit one of the documents listed at Annex A, to show that the applicant has permission to be in the UK and to undertake work in a licensable activity. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK.
- 4.9 The list of documents which an applicant may provide to demonstrate their entitlement to work in the UK is published on gov.uk and at Annex A of this guidance.
- 4.10 For applications made on or after 6 April 2017, where an applicant's immigration permission to live and work in the UK is time-limited, a personal licence may be issued but will become invalid when the immigration permission expires. In the event that the Home Office cuts short or ends a person's immigration permission (referred to as curtailment or revocation), any licence issued in respect of an application made on or after 6 April 2017 will automatically lapse (see paragraph 4.15 below).
- 4.11 A person is disqualified from applying for a personal licence or a premises licence by reason of their immigration status if:
- The person requires leave to enter or remain in the UK and has not been granted it;
  - or



- The person's leave to enter or remain in the UK:
  - is invalid,
  - has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise), or
  - is subject to a condition preventing the person from doing work of that kind.

A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example they are subject to an immigration restriction that does not permit them to work.

- 4.12 The requirements to demonstrate immigration status are not retrospective. This means that licensing authorities do not need to check the immigration status of those people who already hold a licence which was issued before 6 April 2017.
- 4.13 Applicants may provide photocopies or scanned copies of the documents, which do not need to be endorsed as a copy of the original. Applicants should not be encouraged or required by licensing authorities to submit original copies of documents. The licensing authority must be satisfied that the applicant is entitled to work in the UK, but the licensing authority is not required to check the validity of any document submitted by the applicant to demonstrate the right to work. The licensing authority should establish whether or not an applicant has a lawful immigration status in the UK or is prohibited from working because they are in the UK illegally or is subject to a condition that prevents them from holding a licence.
- 4.14 To ensure that licensing authorities do not discriminate against anyone, all licence applicants should be treated in the same way after 6 April 2017 during the licence application process. This will also demonstrate a fair, transparent and consistent application process. Assumptions should not be made about a person's right to work in the UK or their immigration status on the basis of their nationality, ethnic origin, accent, the colour of their skin, or the length of time they have been resident in the UK.
- 4.15 If an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses. Migrants who are subject to UK immigration control may be granted permission to enter or remain in the UK, with a condition permitting employment, on a time-limited basis or on an indefinite basis. When the person's stay is time limited, this will be shown in their immigration documentation. It is possible for a migrant to apply to extend their stay, and if they do so before their previous status expires, they continue to have any right to work that they previously had while their application and any associated administrative review or appeal is outstanding. In such cases, a person's status may be confirmed by the licensing authority contacting the Home Office Status, Verification, Evidence and Checking (SVEC) Unit.
- 4.16 In most cases the licensing authority should be able to make an assessment that the applicant is not disqualified from applying for a premises or personal licence based on any information provided with the application. This will include all cases where the applicant is a British citizen. An immigration status check may be made by contacting the Home Office SVEC Unit in the following circumstances to verify that someone has the right to hold a premises or personal licence:

- the applicant provides a copy of a Certificate of Application which is less than six months old and indicates that work is permitted; or
- the applicant has not provided any acceptable documents because they have an outstanding application for permission to remain in the UK with the Home Office which was made before their previous immigration leave expired or has an appeal or administrative review pending against a Home Office decision that grants them a right to work and, therefore, cannot provide evidence of their right to work.

In these two circumstances the SVEC Unit will confirm the individual's immigration status.

- 4.17 Assistance on this process may be obtained from Home Office Local Partnership Managers, or by email [I&SDLPMSsupportTeam@homeoffice.gsi.gov.uk](mailto:I&SDLPMSsupportTeam@homeoffice.gsi.gov.uk). In most cases, a Local Partnership Manager or local Immigration, Compliance and Enforcement (ICE) team will be the first point of contact for licensing authorities.
- 4.18 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end. This could be because their permission to be in the UK has time-expired or because the Home Office has brought it to an end (for example, the Home Office has curtailed their permission to live and work in the UK). The licensing authority is under no duty to carry out on-going immigration checks to see whether a licence-holder's permission to be in the UK has been brought to an end, and the Act does not place a duty on the licensing authority to withdraw or revoke the licence if this occurs. The migrant will be aware when their time-limited permission has come to an end and the Home Office will inform them if their permission to be in the UK is curtailed. If the individual is subsequently granted leave to work in the UK and wishes to once again hold a personal licence they must make an application for a new personal licence.

## **Criminal record**

- 4.19 Regulations made under the 2003 Act require that, in order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, an applicant for the grant of a personal licence must include a criminal conviction certificate, a criminal record certificate or the results of a subject access search of the Police National Computer by the National Identification Service to the licensing authority.
- 4.20 The requirement for an individual to establish whether or not they have unspent convictions for a relevant offence or foreign offence applies whether or not the individual has been living for a length of time in a foreign jurisdiction. It does not follow that such individuals will not have recorded offences in this country. All applicants are also required to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence. This applies both to applicants ordinarily resident in England and Wales and any person from a foreign jurisdiction. Details of relevant offences as set out in the 2003 Act should be appended to application forms for the information of applicants, together with a clear warning that making any false statement is a criminal offence liable to prosecution.

- 4.21 Licensing authorities are required to notify the police when an applicant is found to have an unspent conviction for a relevant offence defined in the 2003 Act or for a foreign offence. The police have no involvement or locus in such applications until notified by the licensing authority.
- 4.22 Civil penalties received after 6 April 2017 for immigration matters are treated in the same way as relevant offences. Licensing authorities are required to notify the Secretary of State for the Home Department (through Home Office Immigration Enforcement) when an applicant declares that they have been issued with an immigration penalty or convicted of an immigration offence or a foreign offence comparable to an immigration offence. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises. Civil penalties for immigration matters were added to the Licensing Act with effect from 6 April 2017, and penalties received before that date cannot be taken into account in respect of grant, revocation or suspension of a personal licence.
- 4.23 Where an applicant has an unspent conviction for a relevant or foreign offence, and the police object to the application on crime prevention grounds the applicant is entitled to a hearing before the licensing authority. The applicant is also entitled to a hearing if the Home Office (Immigration Enforcement) object to the application on the grounds of the prevention of illegal working where the applicant has an unspent conviction for a relevant immigration offence or has been required to pay an immigration penalty. If the police or Home Office (Immigration Enforcement) do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the licensing authority must grant it. Home Office (Immigration Enforcement) can object only with respect to convictions and civil immigration penalties received on or after 6 April 2017.
- 4.24 A number of relevant offences never become spent. However, where an applicant is able to demonstrate that the offence in question took place so long ago and that the applicant no longer has a propensity to re-offend, a licensing authority may consider that it is appropriate to grant the application on the basis that doing so would not undermine the crime prevention objective.
- 4.25 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office (Immigration Enforcement), the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. Licensing authorities are therefore expected to record in full the reasons for any decision which they make.

## **Issuing of personal licences by Welsh licensing authorities**

- 4.26 All application forms in Wales should be bilingual. Proceedings before a court must be capable of being conducted in Welsh at the request of the applicant. There is a panel of Welsh speaking magistrates so this can be arranged if necessary. Licensing authorities in Wales should consider issuing personal licences in a bilingual format.

## Licensing qualifications

- 4.27 Details of licensing qualifications accredited by the Secretary of State will be notified to licensing authorities and the details may be viewed on the GOV.UK website.

## Relevant licensing authority

- 4.28 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts. For applications made on or after 6 April 2017, a licence granted to someone subject to immigration control will lapse if the individual ceases to be entitled to work in the UK. The requirement to renew a personal licence was removed from the Licensing Act 2003 by the Deregulation Act 2015. While personal licences issued before the 2015 Act have expiry dates, these licences will remain valid and such dates no longer have an effect. Once granted, the licensing authority which issued the licence remains the “relevant licensing authority” for it and its holder, even though the individual may move out of the area or take employment elsewhere. The personal licence itself will give details of the issuing licensing authority.

## Changes in name or address

- 4.29 The holder of the licence is required by the 2003 Act to notify the licensing authority of any changes to a holder’s name or address. These changes should be recorded by the licensing authority. The holder is also under a duty to notify any convictions for relevant offences to the licensing authority and the courts are similarly required to inform the licensing authority of such convictions, whether or not they have ordered the suspension or forfeiture of the licence. The holder must also notify the licensing authority of any conviction for a foreign offence. These measures ensure that a single record will be held of the holder’s history in terms of licensing matters.
- 4.30 The 2003 Act authorises the provision and receipt of such personal information to such agencies for the purposes of that Act.

## Specification of new designated premises supervisors

- 4.31 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act. Guidance on such applications is set out in paragraphs 4.52 to 4.65 of this Guidance.
- 4.32 The Government considers it essential that police officers, fire officers or officers of the licensing authority can identify immediately the DPS so that any problems can be dealt with swiftly. For this reason, the name of the DPS and contact details must be specified on the premises licence and this must be held at the premises and displayed in summary form. The DPS’ personal address should not be included in the summary form in order to protect their privacy.
- 4.33 To specify a DPS, the premises licence holder should normally submit an application to the licensing authority (which may include an application for immediate interim effect) with:
- a form of consent signed by the individual concerned to show that they consent to taking on this responsible role, and

- the relevant part (Part A) of the licence.
- 4.34 If they are applying in writing, they must also notify the police of the application. If the application is made electronically via GOV.UK or the licensing authority's own electronic facility, the licensing authority must notify the police no later than the first working day after the application is given.
- 4.35 The premises licence holder must notify the existing DPS (if there is one) of the application on the same day as the application is given to the licensing authority. This requirement applies regardless of whether the application was given by means of an electronic facility, or by some other means.
- 4.36 The general guidance in Chapter 8 on electronic applications applies in respect of new applications.
- 4.37 Only one DPS may be specified in a single premises licence, but a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with the 2003 Act and conditions on the premises licence.
- 4.38 Where there are frequent changes of DPS, the premises licence holder may submit the form in advance specifying the date when the new individual will be in post and the change will take effect.

## **Police objections to new designated premises supervisors**

- 4.39 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.
- 4.40 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.
- 4.41 The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.



## **Police objections to existing designated premises supervisors**

4.42 The 2003 Act also provides for the suspension and forfeiture of personal licences by the courts and licensing authorities following convictions for relevant offences, including breaches of licensing law. The police can at any stage after the appointment of a DPS seek a review of a premises licence on any grounds relating to the licensing objectives if problems arise relating to the performance of a DPS. The portability of personal licences is also important to industry because of the frequency with which some businesses move managers from premises to premises. It is not expected that licensing authorities or the police should seek to use the power of intervention as a routine mechanism for hindering the portability of a licence or use hearings of this kind as a fishing expedition to test out the individual's background and character. It is expected that such hearings should be rare and genuinely exceptional.

## **Convictions and liaison with the courts**

4.43 Where a personal licence holder is convicted by a court for a relevant offence, the court is under a duty to notify the relevant licensing authority of the conviction and of any decision to order that the personal licence is suspended or declared forfeit. The sentence of the court has immediate effect despite the fact that an appeal may be lodged against conviction or sentence (although the court may suspend the forfeiture or suspension of the licence pending the outcome of any appeal).

4.44 When the licensing authority receives such a notification, it should contact the holder and request the licence so that the necessary action can be taken. The holder must then produce the relevant licence to the authority within 14 days. It is expected that the chief officer of police for the area in which the holder resides would be advised if they do not respond promptly. The licensing authority should record the details of the conviction, endorse them on the licence, together with any period of suspension and then return the licence to the holder. If the licence is declared forfeit, it should be retained by the licensing authority.

## **Licensing authority powers to revoke or suspend personal licences**

4.45 The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017. The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence

must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

- 4.46 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.
- 4.47 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances. The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant. The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.
- 4.48 If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority. Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence. Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence. Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

- 4.49 The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.
- 4.50 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions. The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions. The licensing authority may invite the premises licence holder to make representations about the personal licence holder before deciding whether to revoke or suspend the licence; this is not a legal requirement and may not be appropriate in all circumstances.

## Relevant offences

- 4.51 Relevant offences are set out in Schedule 4 to the 2003 Act. If a person has been required to pay a civil penalty for immigration matters on or after 6 April 2017, this may be taken into consideration in the same way as a relevant offence. Offences added to the list of relevant offences with effect from 6 April 2017 may only be taken into consideration if the conviction was received on or after 6 April 2017.

## Disapplication of certain mandatory conditions for community premises

- 4.52 The 2003 Act was amended in 2009 to allow certain community premises which have, or are applying for, a premises licence that authorises alcohol sales to also apply to include the alternative licence condition in sections 25A(2) and 41D(3) ("the alternative licence condition") of that Act in the licence instead of the usual mandatory conditions in sections 19(2) and 19(3). Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises (the "management committee"). If such an application is successful, the effect of the alternative licence condition will be that the licence holder (i.e. the management committee) is responsible for the supervision and authorisation of all alcohol sales authorised by the licence. All such sales will have to be made or authorised by the licence holder. There will be no requirement for a DPS or for alcohol sales to be authorised by a personal licence holder.
- 4.53 Community premises are defined as premises that are or form part of a church hall, chapel hall or other similar building; or a village hall, parish hall or community hall or other similar building.
- 4.54 The process requires the completion of a form which is prescribed in regulations made under the 2003 Act. Where the management committee of a community premises is applying for authorisation for the sale of alcohol for the first time, it should include the form with the new premises licence application or the premises licence variation application. No extra payment is required beyond the existing fee for a new application or a variation.



- 4.55 Where a community premises already has a premises licence to sell alcohol, but wishes to include the alternative licence condition in place of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act, it should submit the form on its own together with the required fee.

## **Definition of community premises**

- 4.56 In most instances, it should be self evident whether a premises is, or forms part of a church hall, chapel hall or other similar building; or a village hall, parish hall, community hall or other similar building.
- 4.57 Licensing authorities may have previously taken a view on how to determine whether a premises meets the definition of community premises for the purpose of the fee exemptions set out in regulation 9(2)(b) of the Licensing Act 2003 (Fees) Regulations 2005 (SI 2005/79). As the criteria are the same, premises that qualify for these fee exemptions for regulated entertainment will also be “community premises” for present purposes.
- 4.58 Where it is not clear whether premises are “community premises”, licensing authorities will need to approach the matter on a case-by-case basis. The main consideration in most cases will be how the premises are predominately used. If they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole, the premises will be likely to meet the definition.
- 4.59 Many community premises such as school and private halls are available for private hire by the general public. This fact alone would not be sufficient for such halls to qualify as “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use, and not only at the usefulness of the premises for members of the community for private purposes.
- 4.60 If the general use of the premises is contingent upon membership of a particular organisation or organisations, this would strongly suggest that the premises in question are not a “community premises” within the definition. However, the hire of the premises to individual organisations and users who restrict their activities to their own members and guests would not necessarily conflict with the status of the premises as a “community premises”, provided the premises are generally available for use by the community in the sense described above. It is not the intention that qualifying clubs, which are able to apply for a club premises certificate, should instead seek a premises licence with the removal of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act relating to the supply of alcohol.

## **Management of the premises**

- 4.61 Sections 25A(1) and 41D(1) and (2) of the 2003 Act allow applications by community premises to apply the alternative licence condition rather than the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act only where the applicant for the licence is the management committee of the premises in question. In addition, sections 25A(6) and 41D(5) require the licensing authority to be satisfied that the arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.

- 4.62 The reference to a “committee or board of individuals” is intended to cover any formally constituted, transparent and accountable management committee or structure. Such a committee should have the capacity to provide sufficient oversight of the premises to minimise any risk to the licensing objectives that could arise from allowing the responsibility for supervising the sale of alcohol to be transferred from a DPS and personal licence holder or holders. This could include management committees, executive committees and boards of trustees.
- 4.63 The application form requires applicants to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties) and how responsibility for this is to be determined in individual cases and discussed within the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers. Where the management arrangements are less clear, licensing authorities may wish to ask for further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application (subject to the views of the police). Community premises may wish to check with the licensing authority before making an application. The management committee is strongly encouraged to notify the licensing authority if there are key changes in the committee’s composition and to submit a copy to the chief officer of police. A failure to do so may form the basis of an application to review the premises licence, or be taken into account as part of the consideration of such an application.
- 4.64 As the premise licence holder, the management committee will collectively be responsible for ensuring compliance with licence conditions and the law (and may remain liable to prosecution for one of the offences in the 2003 Act) although there would not necessarily be any individual member always present at the premises. While overall responsibility will lie with the management committee, where the premises are hired out the hirer may be clearly identified as having responsibility for matters falling within his or her control (e.g. under the contract for hire offered by the licence holder), much in the same way that the event organiser may be responsible for an event held under a Temporary Event Notice. Where hirers are provided with a written summary of their responsibilities under the 2003 Act in relation to the sale of alcohol, the management committee is likely to be treated as having taken adequate steps to avoid liability to prosecution if a licensing offence is committed.
- 4.65 As indicated above, sections 25A(6) and 41D(5) of the 2003 Act require the licensing authority to consider whether the arrangements for the management of the premises by the committee are sufficient to ensure adequate supervision of the supply of alcohol on the premises. Where private hire for events which include the sale of alcohol is permitted by the licence, it would be necessary to have an effective hiring agreement. Licensing authorities may wish to consider model hiring agreements that have been made available by organisations such as ACRE and Community Matters. Such model agreements can be revised to cater for the circumstances surrounding each hire arrangement; for example to state that the hirer is aware of the licensing objectives and offences in the 2003 Act and will ensure that it will take all appropriate steps to ensure that no offences are committed during the period of the hire.

## Police views

- 4.66 In exceptional circumstances, the chief officer of police for the area in which the community premises is situated can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any responsible authority or other person can seek reinstatement of the mandatory conditions through a review of the licence (as provided in section 52A of the 2003 Act). The police will want to consider any history of incidents at an establishment in light of the actual or proposed management arrangements, including the use of appropriate hire agreements. If the chief officer of police issues a notice seeking the refusal of the application to include the alternative licence condition, the licensing authority must hold a hearing in order to reach a decision on whether to grant the application.

## Appeals

- 4.67 Where the chief officer of police has made relevant representations against the inclusion of the alternative licence condition, or given a notice under section 41D(6) which was not withdrawn, the chief officer of police can appeal the decision of the licensing authority to allow the inclusion of the alternative licence condition. Similarly, a community premises can appeal a decision by the licensing authority to refuse to include the alternative licence condition following a hearing triggered by relevant representations or by a notice given under section 41D(6). Following a review of the licence in which the mandatory conditions are reinstated, the licence holder may appeal against the decision. If the alternative licence condition is retained on review, the applicant for the review or any person who made relevant representations may appeal against the decision.

## 5. Who needs a premises licence?

- 5.1 A premises licence authorises the use of any premises (which is defined in the 2003 Act as a vehicle, vessel or moveable structure or any place or a part of any premises) for licensable activities defined in section 1 of the 2003 Act.

### Relevant parts of Act

- 5.2 In determining whether any premises should be licensed, the following parts of the 2003 Act are relevant:

| Relevant part of Act | Description  |
|----------------------|--|
| Section 1            | Outlines the licensable activities   |
| Part 3               | Provisions relating to premises licences   |
| Part 4               | Provisions for qualifying clubs  |
| Section 173          | Activities in certain locations which are not licensable   |
| Section 174          | Premises that may be exempted on grounds of national security  |
| Section 175          | Exemption for incidental non-commercial lottery (e.g. a minor raffle or tombola)   |
| Section 176          | Prohibits the sale of alcohol at motorway service areas; and restricts the circumstances in which alcohol may be sold at garages   |
| Section 189          | Special provision in relation to the licensing of vessels, vehicles and moveable structures  |
| Section 190          | Where the place where a contract for the sale of alcohol is made is different from the place where the alcohol is appropriated to the contract, the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract |
| Section 191          | Defines “alcohol” for the purposes of the 2003 Act   |
| Section 192          | Defines the meaning of “sale by retail”  |
| Section 193          | Defines among other things “premises”, “vehicle”, “vessel” and “wine”  |
| Schedules 1 and 2    | Provision of regulated entertainment and provision of late night refreshment   |

- 5.3 Section 191 provides the meaning of “alcohol” for the purposes of the 2003 Act. It should be noted that a wide variety of foodstuffs contain alcohol but generally in a highly diluted form when measured against the volume of the product. For the purposes of the 2003 Act, the sale or supply of alcohol which is of a strength not exceeding 0.5 per cent ABV (alcohol by volume) at the time of the sale or supply in question is not a licensable activity. However, where the foodstuff contains alcohol at greater strengths, for example, as with some alcoholic jellies, the sale would be a licensable activity.
- 5.4 The definition of alcohol was amended by the Policing and Crime Act 2017 to include alcohol “in any state”. This is to make it clear that products such as powdered and vaporised alcohol fall within the definition provided by the 2003 Act.

## **Premises licensed for gambling**

5.5 Gambling is the subject of separate legislation and licensing authorities should not duplicate any conditions imposed by this legislation when granting, varying or reviewing licences that authorise licensable activities under the 2003 Act. When making a licence application, the applicant may, in detailing the steps to be taken in promoting the licensing objectives, refer to the statutory conditions in respect of their gambling licence (where relevant). In addition, any conditions which are attached to premises licences should not prevent the holder from complying with the requirements of gambling legislation or supporting regulations. Further information about the Gambling Act 2005 can be found on the GOV.UK website.

## **Designated sports grounds, designated sports events and major outdoor sports stadia**

- 5.6 Outdoor sports stadia are regulated by separate legislation and sports events taking place at outdoor stadia do not fall within the definition of the provision of regulated entertainment under the 2003 Act, with the exception of boxing or wrestling entertainment (see 16.49-16.51). Licensing authorities should therefore limit their consideration of applications for premises licences to activities that are licensable under the 2003 Act.
- 5.7 Major stadia will often have several bars and restaurants, including bars generally open to all spectators as well as bars and restaurants to which members of the public do not have free access. Alcohol may also be supplied in private boxes and viewing areas. A premises licence may make separate arrangements for public and private areas or for restaurant areas on the same premises. It may also designate areas where alcohol may not be consumed at all or at particular times.
- 5.8 Licensing authorities should be aware that paragraphs 98 and 99(c) of Schedule 6 to the 2003 Act and the repeals of section 2(1A) and section 5A of the Sporting Events (Control of Alcohol etc.) Act 1985 have not been commenced because their effect would have been different from that which Parliament had intended.

## **Sporting events at stadia with retractable roofs**

5.9 A sporting event at a stadium or sports ground with a roof that opens and closes does not fall within the definition of an “indoor sporting event” under the 2003 Act. As a result, indoor sporting events taking place in these stadia are not ‘regulated entertainment’ and are not licensable under the 2003 Act.

## **Vessels**

- 5.10 The 2003 Act applies to vessels (including ships and boats) as if they were premises. A vessel which is not permanently moored or berthed is treated as if it were premises situated in a place where it is usually moored or berthed. The relevant licensing authority for considering an application for a premises licence for a vessel is therefore the licensing authority for the area in which it is usually moored or berthed.
- 5.11 However, an activity is not a licensable activity if it takes place aboard a vessel engaged on an international journey. An “international journey” means a journey from a place in the United Kingdom to an immediate destination outside the United Kingdom or a



journey from outside the United Kingdom to an immediate destination in the United Kingdom.

- 5.12 If a vessel is not permanently moored and carries more than 12 passengers it is a passenger ship and will be subject to safety regulation by the Maritime and Coastguard Agency (MCA).
- 5.13 When a licensing authority receives an application for a premises licence in relation to a vessel, it should consider the promotion of the licensing objectives, but should not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers, or emergency provision; all of which are subject to regulations which must be met before the vessel is issued with its Passenger Certificate and Safety Management Certificate.
- 5.14 If the MCA is satisfied that the vessel complies with Merchant Shipping standards for a passenger ship, the premises should normally be accepted as meeting the public safety objective. In relation to other public safety aspects of the application, representations made by the MCA on behalf of the Secretary of State should be given particular weight.
- 5.15 If a vessel, which is not permanently moored and carries no more than 12 passengers, goes to sea, it will be subject to the Code of Practice for the Safety of Small Commercial Sailing Vessels. This code sets the standards for construction, safety equipment and manning for these vessels and MCA will be able to confirm that it has a valid safety certificate.
- 5.16 If a vessel carries no more than 12 passengers and does not go to sea, it may be regulated or licensed by the competent harbour authority, navigation authority or local authority. The recommended standards for these vessels are set out in the (non-statutory) Inland Waters Small Passenger Boat Code, which provides best practice guidance on the standards for construction, safety equipment and manning. Some authorities may use their own local rules. MCA has no direct responsibility for these vessels and will not normally comment on a premises licence application.

## **International airports and ports**

- 5.17 Under the 2003 Act, the Secretary of State may ‘designate’ a port, hoverport or airport with a substantial amount of international traffic so that an activity carried on there is not licensable. The Secretary of State may also preserve existing designations made under earlier legislation.
- 5.18 Areas at designated ports which are “airside” or “wharfside” are included in the exemption in the 2003 Act from the licensing regime. The non-travelling public does not have access to these areas and they are subject to stringent bye-laws. The exemption allows refreshments to be provided to travellers at all times of the day and night. Other parts of designated ports, hoverports and airports are subject to the normal licensing controls.

## Vehicles

- 5.19 Under the 2003 Act, alcohol may not be sold on a moving vehicle and the vehicle may not be licensed for that purpose. However, licensing authorities may consider applications for the sale of alcohol from a parked or stationary vehicle. For example, mobile bars could sell alcohol at special events as long as they were parked. Any permission granted would relate solely to the place where the vehicle is parked and where sales are to take place.
- 5.20 The provision of any entertainment on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked is not regulated entertainment for the purposes of the 2003 Act.

## Trains and aircraft

- 5.21 Railway vehicles and aircraft engaged on journeys are exempted from the requirement to have an authorisation to carry on licensable activities (although a magistrates' court can make an order to prohibit the sale of alcohol on a railway vehicle if this is appropriate to prevent disorder). Licensing authorities should note that some defunct aircraft and railway carriages remain in a fixed position and are used as restaurants and bars. These premises are subject to the provisions of the 2003 Act.

## Garages and motorway service areas

- 5.22 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:
- the retailing of petrol;
  - the retailing of derv (diesel);
  - the sale of motor vehicles; and
  - the maintenance of motor vehicles.
- 5.23 It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.
- 5.24 If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises. If a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.

## Large scale time-limited events requiring premises licences

- 5.25 Licensing authorities should note that a premises licence may be sought for a short, discrete period. The 2003 Act provides that a temporary event notice is subject to various limitations (see Chapter 7 of this Guidance). The temporary provision of licensable activities that fall outside these limits will require the authority of a premises licence if the premises are currently unlicensed for the activities involved.

5.26 The procedures for applying for and granting such a licence are identical to those for an unlimited duration premises licence except that it should be stated on the application that the applicant's intention is that the period of the licence should be limited. Licensing authorities should clearly specify on such a licence when it comes into force and when it ceases to have effect. If the sale of alcohol is involved, a personal licence holder must be specified as the designated premises supervisor.



# 6. Club premises certificates

6.1 This Chapter covers the administration of the processes for issuing, varying, and reviewing club premises certificates and other associated procedures.

## General

6.2 Clubs are organisations where members have joined together for particular social, sporting or political purposes. They may then combine to buy alcohol in bulk as members of the organisation to supply in the club.

6.3 Technically the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale (as the member owns part of the alcohol stock) and the money passing across the bar is merely a mechanism to preserve equity between members where one may consume more than another.

6.4 Only 'qualifying' clubs may hold club premises certificates. In order to be a qualifying club, a club must have at least 25 members and meet the qualifying conditions set out in paragraph 6.9. The grant of a club premises certificate means that a qualifying club is entitled to certain benefits. These include:

- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;
- the authority to provide late night refreshment to members of the club without requiring additional authorisation;
- more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public; and
- exemption from orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected.

6.5 Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for profit. These require a premises licence and are not qualifying clubs.

6.6 A qualifying club will be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. Instant membership is not permitted and members must wait at least two days between their application and their admission to the club. A qualifying club may choose to apply for a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them. However, an individual on behalf of a club may give temporary event notices. See Chapter 7.

6.7 The 2003 Act does not prevent visitors to a qualifying club being supplied with alcohol as long as they are 'guests' of any member of the club or the club collectively, and nothing in the 2003 Act prevents the admission of such people as guests without prior notice. The 2003 Act does not define "guest" and whether or not somebody is a genuine guest would in all cases be a question of fact.

6.8 There is no mandatory requirement under the 2003 Act for guests to be signed in by a member of the club. However, a point may be reached where a club is providing

commercial services to the general public in a way that is contrary to its qualifying club status. It is at this point that the club would no longer be conducted in “good faith” and would no longer meet “general condition 3” for qualifying clubs in section 62 of the 2003 Act. Under the 2003 Act, the licensing authority must decide when a club has ceased to operate in “good faith” and give the club a notice withdrawing the club premises certificate. The club is entitled to appeal against such a decision to a magistrates’ court. Unless the appeal is successful, the club would need to apply for a premises licence to authorise licensable activities taking place there.

## **Qualifying conditions**

6.9 Section 62 of the 2003 Act sets out five general conditions which a relevant club must meet to be a qualifying club. Section 63 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith – the third qualifying condition. Section 64 sets out additional conditions which only need to be met by clubs intending to supply alcohol to members and guests. Section 90 of the 2003 Act gives powers to the licensing authority to issue a notice to a club withdrawing its certificate where it appears that it has ceased to meet the qualifying conditions. There is a right of appeal against such a decision.

## **Associate members and guests**

6.10 As well as their own members and guests, qualifying clubs are also able to admit associate members and their guests (i.e. members and guests from another ‘recognised club’ as defined by section 193 of the 2003 Act) to the club premises when qualifying club activities are being carried on without compromising the use of their club premises certificate.

## **Applications for the grant or variation of club premises certificates**

6.11 The arrangements for applying for or seeking to vary club premises certificates are extremely similar to those for a premises licence. Clubs may also use the minor variation process to make small changes to their certificates as long as these could have no adverse impact on the licensing objectives. Licensing authorities should refer to Chapter 8 of this Guidance on the handling of such applications. Licensing authorities do not have to satisfy themselves that applicants for club premises certificates are entitled to work in the UK before issuing a club premises certificate. However, they will commit a criminal offence if they work illegally in the UK.

6.12 In addition to a plan of the premises and a club operating schedule, clubs must also include the rules of the club with their application (as well as making a declaration to the licensing authority in accordance with regulations made under the 2003 Act). On notifying any alteration to these rules to the licensing authority, the club is required to pay a fee set down in regulations. Licensing authorities cannot require any changes to the rules to be made as a condition of receiving a certificate unless relevant representations have been made. However, if a licensing authority is satisfied that the rules of a club indicate that it does not meet the qualifying conditions in the 2003 Act, a club premises certificate should not be granted.

## **Steps needed to promote the licensing objectives**

- 6.13 Club operating schedules prepared by clubs, must include the steps it intends to take to promote the licensing objectives. These will be translated into conditions included in the certificate, unless the conditions have been modified by the licensing authority following consideration of relevant representations. Guidance on these conditions is given in Chapter 10 of this Guidance.

## 7. Temporary Event Notices (TENs)

- 7.1 This Chapter covers the arrangements in Part 5 of the 2003 Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or club premises certificate.

### General

- 7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).
- 7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing). Under the 2003 Act ‘premises’ can mean any place. Events authorised under a TEN will therefore not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent. Local authorities and “relevant persons” (see below) may wish to make enquiries where appropriate to satisfy themselves of the exact location for where a TEN is being given.
- 7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event. A premises user may also give a limited number of “late TENs” to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14). “Working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.
- 7.5 If a TEN is sent electronically via GOV.UK or the licensing authority’s own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.
- 7.6 The police or EHA (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may

result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).

- 7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

## **Standard and late temporary event notices**

- 7.8 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.

### **Standard temporary event notices**

- 7.9 “Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event.
- 7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.
- 7.11 Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them.

### **Late temporary event notices**

- 7.12 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified at paragraph 7.15 are not exceeded.
- 7.13 Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- 7.14 A key difference between standard and late TENs is the process following an objection notice from the police or EHA. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, EHA or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing licence conditions.

## **Limitations**

- 7.15 A number of limitations are imposed on the use of TENs by the 2003 Act:
- the number of times a premises user may give a TEN is 50 times in a calendar year

for a personal licence holder and five times in a calendar year for other people;

- the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- the number of times a TEN may be given for any particular premises is 15 times in a calendar year;
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

7.16 Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The 2003 Act defines an associate, in relation to the premises user, as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person;
- an agent or employee of that person; or
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

7.17 A person living with another person as their husband or wife, is treated for these purposes as their spouse. 'Civil partner' has its meaning in the Civil Partnership Act 2004.

7.18 A TEN that is given may be subsequently withdrawn by the TEN user by giving the licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the TEN. Otherwise, the TEN will be included within the limits of TENs allowed in a given calendar year, even if the event does not go ahead.

7.19 Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given. Proposed activities that exceed these limits will require a premises licence or club premises certificate.

7.20 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.

7.21 In determining whether the maximum total duration of the periods covered by TENs at any individual premises has exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.

7.22 There is nothing in the 2003 Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days



away in the case of a late TEN). For example, an individual personal licence holder wishing to exhibit and sell beer at a series of farmers' markets may wish to give several notices simultaneously. However, this would only be possible where the limits are not exceeded in the case of each notice. Where the events are due to take place in different licensing authority (and police) areas, the respective licensing authorities and relevant persons would each need to be notified accordingly.

## **Who can give a temporary event notice?**

### **Personal licence holders**

7.23 A personal licence holder can give a TEN at any premises on up to 50 occasions in a calendar year. This limit is inclusive of any late TENs given in the same year. The use of each TEN must of course observe the limits described above, including the limit of 15 TENs in respect of each premises in a calendar year.

### **Non-personal licence holders**

7.24 The 2003 Act provides that any individual aged 18 or over may give a TEN to authorise the carrying on of all licensable activities under the Licensing Act 2003, whether or not that individual holds a personal licence. Such an individual will not, therefore, have met the requirements that apply to a personal licence holder under Part 6 of the 2003 Act. Where alcohol is not intended to be sold, this should not matter. However, many events will involve a combination of licensable activities and the 2003 Act limits the number of notices that may be given by any non-personal licence holder to five occasions in a calendar year (inclusive of any late TENs in the same year). In every other respect, the Guidance and information set out in the paragraphs above applies.

## **Role of the licensing authority**

7.25 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.15). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate.

7.26 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the premises user.

7.27 Where the TEN is in order, the relevant fee paid and the event falls within the prescribed limits, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically). The licensing authority must do so, no later than the end of the first working day following the day on which it was received (or by the end of the second working day if it was received on a non-working day), unless an objection notice is received beforehand from the police or EHA on the basis of any of the four licensing objectives (see paragraphs below).

7.28 If the licensing authority receives an objection notice from the police or EHA that is not

withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

- 7.29 Premises users are not required to be on the premises during the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children and allowing disorderly conduct on licensed premises.
- 7.30 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.
- 7.31 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENs received. Under Schedule 3 of the 2003 Act, the licensing authority must also keep a record of such matters including any notice of withdrawal of a TEN, any counter notice to a TEN given following an objection by a relevant person and any TEN received following modification. If requested to do so, a licensing authority must supply a person with a copy of the information contained in any entry in its register. Each licensing authority must also provide facilities for making the information contained in the entries in its register available for inspection by any person during office hours and without payment. Licensing authorities may wish to consider bringing TENs to the attention of local councillors and residents by making their register available online or including relevant details of a TEN when it is received, along with notice of licence applications on the authority's website. There is no requirement to record all the personal information given on a TEN.

## **Police and environmental health intervention**

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.
- 7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the



premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

- 7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.
- 7.36 However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

## Modification

- 7.37 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

## Applying conditions to a TEN

- 7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:
- if the police or the EHA have objected to the TEN;
  - if that objection has not been withdrawn;
  - if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
  - and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.
- 7.39 This decision is one for the licensing authority alone, regardless of the premises user’s

views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

## **Duty of premises users to keep and produce TENs**

7.40 Where a TEN is not prominently displayed at the premises, the police and licensing officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under the Anti-social Behaviour, Crime and Policing Act 2014<sup>3</sup>.

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<sup>3</sup> For further guidance on the closure power under the 2014 Act, please refer to:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_\\_2\\_.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final__2_.pdf)

# 8. Applications for premises licences

## Relevant licensing authority

- 8.1 Premises licences are issued by the licensing authority in which the premises are situated or, in the case of premises straddling an area boundary, the licensing authority where the greater part of the premises is situated. Where the premises is located equally in two or more areas, the applicant may choose but, in these rare cases, it is important that each of the licensing authorities involved maintain close contact.
- 8.2 Section 13 of the 2003 Act defines the parties holding important roles in the context of applications, inspection, monitoring and reviews of premises licences.

## Authorised persons

- 8.3 The first group –“authorised persons”– are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police and immigration officers are not included because they are separately empowered by the 2003 Act to carry out their duties.
- 8.4 For all premises, the authorised persons include:
- officers of the licensing authority;
  - fire inspectors;
  - inspectors with responsibility in the licensing authority’s area for the enforcement of the Health and Safety at Work etc Act 1974;
  - officers of the local authority exercising environmental health functions
- 8.5 Local authority officers will most commonly have responsibility for the enforcement of health and safety legislation, but the Health and Safety Executive is responsible for certain premises. In relation to vessels, authorised persons also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency. The Secretary of State may prescribe other authorised persons by means of regulations, but has not currently prescribed any additional bodies. If any are prescribed, details will be made available on the GOV.UK website.
- 8.6 Where an immigration officer has reason to believe that any premises are being used for a licensable activity, the officer may enter the premises with a view to seeing whether an offence under any of the Immigration Acts is being committed in connection with the licensable activity.

## Responsible authorities

- 8.7 The second group –“responsible authorities”– are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. These representations must still be considered ‘relevant’ by the licensing authority and relate to one or more of the licensing objectives. For all premises, responsible authorities include:
- the relevant licensing authority and any other licensing authority in whose area part of

the premises is situated;

- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England<sup>4</sup> and Local Health Boards (in Wales);
- the local weights and measures authority (trading standards); and
- Home Office Immigration Enforcement (on behalf of the Secretary of State).

8.8 The licensing authority should indicate in its statement of licensing policy which body it recognises to be competent to advise it on the protection of children from harm. This may be the local authority social services department, the Local Safeguarding Children Board or another competent body. This is important as applications for premises licences have to be copied to the responsible authorities in order for them to make any representations they think are relevant.

8.9 In relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities; the Environment Agency; the Canal and River Trust; and the Secretary of State (who in practice acts through the Maritime and Coastguard Agency (MCA)). In practice, the Environment Agency and the Canal and River Trust only have responsibility in relation to vessels on waters for which they are the navigation statutory authority.

8.10 The MCA is the lead responsible authority for public safety, including fire safety, affecting passenger ships (those carrying more than 12 passengers) wherever they operate and small commercial vessels (carrying no more than 12 passengers) which go to sea. The safety regime for passenger ships is enforced under the Merchant Shipping Acts by the MCA which operates certification schemes for these vessels. Fire and rescue authorities, the Health and Safety Executive and local authority health and safety inspectors should normally be able to make "nil" returns in relation to such vessels and rely on the MCA to make any appropriate representations in respect of this licensing objective.

8.11 Merchant Shipping legislation does not, however, apply to permanently moored vessels. So, for example, restaurant ships moored on the Thames Embankment, with permanent shore connections should be considered by the other responsible authorities concerned with public safety, including fire safety. Vessels carrying no more than 12 passengers which do not go to sea are not subject to MCA survey and certification, but may be licensed by the local port or navigation authority.

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<sup>4</sup> This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

- 8.12 The Secretary of State may prescribe other responsible authorities by means of regulations. Any such regulations are published on the Government's legislation website: [www.legislation.gov.uk](http://www.legislation.gov.uk).

## Other persons

- 8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.
- 8.14 While any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

## Who can apply for a premises licence?

- 8.15 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period.
- 8.16 "A person" in this context includes, for example, a business or a partnership. Licensing authorities should not require the nomination of an individual to hold the licence or determine the identity of the most appropriate person to hold the licence.
- 8.17 In considering joint applications (which is likely to be a rare occurrence), it must be stressed that under section 16(1)(a) of the 2003 Act each applicant must be carrying on a business which involves the use of the premises for licensable activities. In the case of public houses, this would be easier for a tenant to demonstrate than for a pub owning company that is not itself carrying on licensable activities. Where licences are to be held by businesses, it is desirable that this should be a single business to avoid any lack of clarity in accountability.
- 8.18 A public house may be owned, or a tenancy held, jointly by a husband and wife, civil partners or other partnerships of a similar nature, and both may be actively involved in carrying on the licensable activities. In these cases, it is entirely possible for the husband and wife or the partners to apply jointly as applicant for the premises licence, even if they are not formally partners in business terms. This is unlikely to lead to the same issues of clouded accountability that could arise where two separate businesses

apply jointly for the licence. If the application is granted, the premises licence would identify the holder as comprising both names and any subsequent applications, for example for a variation of the licence, would need to be made jointly.

- 8.19 A wide range of other individuals and bodies set out in section 16 of the 2003 Act may apply for premises licences. They include, for example, Government Departments, local authorities, hospitals, schools, charities or police forces. In addition to the bodies listed in section 16, the Secretary of State may prescribe by regulations other bodies that may apply and any such regulations are published on the Government's legislation website. There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held.

## **Application forms**

- 8.20 The Provision of Services Regulations 2009 require local authorities to ensure that all procedures relating to access to, or the exercise of, a service activity may be easily completed, at a distance and by electronic means. Electronic application facilities for premises licences may be found either on GOV.UK or the licensing authority's own website. It remains acceptable to make an application in writing.

## **Electronic applications**

- 8.21 Applicants may apply using the licence application forms available on GOV.UK, or will be re-directed from GOV.UK to the licensing authority's own electronic facility if one is available. Applicants may also apply directly to the licensing authority's facility without going through GOV.UK.

## **Electronic applications using forms on gov.uk**

- 8.22 GOV.UK will send a notification to the licensing authority when a completed application form is available for it to download from GOV.UK. This is the day that the application is taken to be 'given' to the licensing authority, even if it is downloaded at a later stage, and the application must be advertised from the day after that day (as for a written application). The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.
- 8.23 The period of 28 consecutive days during which the application must be advertised on a notice outside the premises is, effectively, the statutory timescale by which the application must be determined (unless representations are made). This will be published on GOV.UK and must also be published on the licensing authority's own electronic facility if one exists. If no representations are made during this period, the licensing authority must notify the applicant as quickly as possible that the licence has been granted. The licensing authority must send the licence to the applicant as soon as possible after this, but the applicant may start the licensed activity as soon as they have been notified that the application is granted (subject to compliance with the conditions of the licence). The licence may be supplied in electronic or written format as long as the applicant is aware which document constitutes 'the licence'. If representations are made, the guidance in Chapter 9 applies.

## **Requirement to copy application to responsible authorities**

- 8.24 The licensing authority must copy electronic applications, made via GOV.UK or its own facility, to responsible authorities no later than the first working day after the application



is given. However, if an applicant submits any part of their application in writing, the applicant will remain responsible for copying it to responsible authorities.

## **Applications via the local authority electronic application facility**

8.25 Where applications are made on the licensing authority's own electronic facility, the application will be taken to be 'given' when the applicant has submitted a complete application form and paid the fee. The application is given at the point at which it becomes accessible to the authority by means of the facility. The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.

## **'Holding' and 'deferring' electronic applications**

8.26 The Government recommends (as for written applications) that electronic applications should not be returned if they contain obvious and minor errors such as typing mistakes, or small errors that can be rectified with information already in the authority's possession. However, if this is not the case and required information is missing or incorrect, the licensing authority may 'hold' the application until the applicant has supplied all the required information. This effectively resets the 28 day period for determining an application and may be done any number of times until the application form is complete. Licensing authorities must ensure that they notify the applicant as quickly as possible of any missing (or incorrect) information, and explain how this will affect the statutory timescale and advertising requirements.

8.27 If an application has been given at the weekend, the notice advertising the application (where applicable) may already be displayed outside the premises by the time that the licensing authority downloads the application. It is therefore recommended that, if a licensing authority holds an application, it should inform the applicant that the original (or if necessary, amended) notice must be displayed until the end of the revised period. The licensing authority should also advise the applicant that they should not advertise the application in a local newspaper until they have received confirmation from the licensing authority that the application includes all the required information. To ensure clarity for applicants, the Government recommends that licensing authorities include similar advice on their electronic application facilities (where these exist) to ensure that applicants do not incur any unnecessary costs.

8.28 If an applicant persistently fails to supply the required information, the licensing authority may refuse the application and the applicant must submit a new application.

8.29 Licensing authorities may also 'defer' electronic applications once if the application is particularly complicated, for example if representations are received and a hearing is required. This allows the licensing authority to extend the statutory time period for the determination of the application by such time as is necessary, including, if required, arranging and holding a hearing. Licensing authorities must ensure that applicants are informed as quickly as possible of a decision to defer, and the reasons for the deferral, before the original 28 days has expired.

## **Written applications**

8.30 A written application for a premises licence must be made in the prescribed form to the relevant licensing authority and be copied to each of the appropriate responsible authorities. For example, it would not be appropriate to send an application for premises

which was not a vessel to the Maritime and Coastguard Agency. The application must be accompanied by:

- the required fee (details of fees may be viewed on the GOV.UK website);
- an operating schedule (see below);
- a plan of the premises in a prescribed form; 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 (DPS).

8.31 If the application is being made by an individual it should be accompanied by acceptable evidence of entitlement to work in the UK (this includes where the application is submitted electronically), as set out in the application form (see paragraph 4.8).

8.32 If the application is being made in respect of a community premises, it may be accompanied by the form of application to apply the alternative licence condition.

8.33 Guidance on completing premises licence, club premises certificate and minor variation forms can be found on the GOV.UK website. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 contain provision about the prescribed form of applications, operating schedules and plans and are published on the [legislation.gov.uk](http://legislation.gov.uk) website.

## Plans

8.34 Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is “clear and legible in all material respects”, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

## Beer gardens or other outdoor spaces

8.35 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.

8.36 In such cases it will be not 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).

8.37 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.

## **Entitlement to work in the UK**

- 8.38 Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. From 6 April 2017 licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol or late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However, they will commit a criminal offence if they work illegally.
- 8.39 The documents which may be relied on in support of an application demonstrating an entitlement to work in the UK are the same as for personal licence applicants see paragraph 4.8. Where there is sufficient evidence that the applicant is not resident in the UK there is no requirement that the applicant has an entitlement to work in the UK.
- 8.40 Where an applicant's permission to work in the UK is time-limited the licensing authority may issue a premises licence for an indefinite period, but the licence will become invalid when the immigration permission expires. The individual's entitlement to work in the UK may be extended or made permanent by the Home Office, and granting the licence for an indefinite period prevents the licensee from having to re-apply for a new licence. In the event that the Home Office cuts short or ends a person's immigration permission (referred to a curtailment or revocation), any licence issued on or after 6 April 2017 which authorises the sale of alcohol or provision of late night refreshment will automatically lapse. As with personal licences, the licensing authority is under no duty to carry out on going immigration checks to see whether a licence holder's permission to be in the UK has been brought to an end. For further details on entitlement to work see paragraphs 4.8 to 4.18.

## **Steps to promote the licensing objectives**

- 8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.
- 8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
  - any risk posed to the local area by the applicants' proposed licensable activities; and
  - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.
- 8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:
- the Crime Mapping website;
  - Neighbourhood Statistics websites;
  - websites or publications by local responsible authorities;
  - websites or publications by local voluntary schemes and initiatives; and
  - on-line mapping tools.
- 8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.
- 8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached

to premises licences with the minimum of fuss.

- 8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

## Variations

### Introduction

- 8.50 Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above.

### Simplified processes

- 8.51 There are simplified processes for making applications, or notifying changes, in the following cases:
- a change of the name or address of someone named in the licence (section 33);
  - an application to vary the licence to specify a new individual as the designated premises supervisor (DPS) (section 37);
  - a request to be removed as the designated premises supervisor (section 41);
  - an application by a licence holder in relation to community premises authorised to sell alcohol to remove the usual mandatory conditions set out in sections 19(2) and 19(3) of the 2003 Act concerning the supervision of alcohol sales by a personal licence holder and the need for a DPS who holds a personal licence (sections 25A and 41D); and
  - an application for minor variation of a premises licence (sections 41A to 41C) or club premises certificate (sections 86A to 86C).
- 8.52 If an application to specify a new DPS or to remove the mandatory conditions concerning the supervision of alcohol sales is made electronically via GOV.UK or the licensing authority's own electronic facility, the authority must notify the police no later than the first working day after the application is given.
- 8.53 Where a simplified process requires the applicant (if they are not also the personal licence holder) to copy the application to the licence holder for information, this will apply regardless of whether the application is made in writing or electronically. Otherwise the general guidance set out above (paragraphs 8.21 to 8.28) on electronic applications applies.

### Minor variations process

- 8.54 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display

it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must comply with the requirements set out in regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. In accordance with those regulations, the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.

- 8.55 On receipt of an application for a minor variation, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. It is recommended that decisions on minor variations should be delegated to licensing officers.
- 8.56 In considering the application, the licensing authority must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. The application is unlikely to be relevant to all responsible authorities.
- 8.57 The licensing authority must also consider any relevant representations received from other persons within the time limit referred to below. As stated earlier in this Guidance, representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives; representations must be confined to the subject matter of the variation. In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but licensing authorities must take any representations into account in arriving at a decision.
- 8.58 Other persons have ten working days from the 'initial day', that is to say, the day after the application is received by the licensing authority, to submit representations. The licensing authority must therefore wait until this period has elapsed before determining the application, but must do so at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that the minor variation is granted or the application is refused.
- 8.59 If the licensing authority fails to respond to the applicant within 15 working days (see section 193 of the 2003 Act for the definition of working day), the application will be treated as refused and the authority must return the fee to the applicant forthwith. However, the licensing authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.
- 8.60 Where an application is refused and is then re-submitted through the full variation process, the full 28 day notification period will apply from the date the new application is received and applicants should advertise the application and copy it to all responsible authorities (in accordance with the regulations applicable to full variations).
- 8.61 Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

## **Changes to structure/layout**

- 8.62 Many small variations to layout will have no adverse impact on the licensing objectives.

However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:

- increasing the capacity for drinking on the premises;
- affecting access between the public part of the premises and the rest of the premises or the street or public way, for instance, block emergency exits or routes to emergency exits; or
- impeding the effective operation of a noise reduction measure such as an acoustic lobby.

- 8.63 Licensing authorities will also need to consider the combined effect of a series of applications for successive small layout changes (for example, as part of a rolling refurbishment of premises) which in themselves may not be significant, but which cumulatively may impact adversely on the licensing objectives. This emphasises the importance of having an up-to-date copy of the premises plan available.
- 8.64 An application to remove a licensable activity should normally be approved as a minor variation. Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and must be treated as full variations in all cases.
- 8.65 For other licensable activities, licensing authorities will need to consider each application on a case by case basis and in light of any licence conditions put forward by the applicant.

## **Licensing hours**

- 8.66 Variations to the following are excluded from the minor variations process and must be treated as full variations in all cases:
- to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
  - to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.
- 8.67 Applications to reduce licensing hours for the sale or supply of alcohol or, in some cases, to move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.
- 8.68 Applications to vary the time during which other licensable activities take place should be considered on a case-by-case basis with reference to the likely impact on the licensing objectives.

## **Licensing conditions**

### **a) Imposed conditions**

- 8.69 Licensing authorities cannot impose their own conditions on the licence through the minor variations process. If the licensing officer considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed, they should refuse it.



## **b) Volunteered conditions**

- 8.70 Applicants may volunteer conditions as part of the minor variation process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.
- 8.71 For instance, there may be circumstances when the licence holder and a responsible authority such as the police or environmental health authority, agree that a new condition should be added to the licence (for example, that a nightclub adds the provision of late night refreshment to its licence to ensure a longer period of dispersal). Such a change would not normally impact adversely on the licensing objectives and could be expected to promote them by preventing crime and disorder or public nuisance. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licence holder and the responsible authority have come to a genuine agreement. The licensing authority should be alive to any attempts to pressure licence or certificate holders into agreeing to new conditions where there is no evidence of a problem at the premises and, if there is any doubt, should discuss this with the relevant parties.

## **c) Amending or removing existing conditions**

- 8.72 However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.
- 8.73 Changes in legislation may invalidate certain conditions. Although the conditions do not have to be removed from the licence, licence holders and licensing authorities may agree that this is desirable to clarify the licence holder's legal obligations. There may also be cases where it is appropriate to revise the wording of a condition that is unclear or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licence holder to understand and comply with the condition and easier for the licensing authority to enforce it.

## **Full variations process**

- 8.74 Any other changes to the licence or certificate require an application to vary under sections 34 or 84 of the 2003 Act.
- 8.75 Licensing authorities may wish to consider whether there is any likely impact on the promotion of the licensing objectives in deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan under section 17 of the 2003 Act, but have nevertheless been included, for example, moveable furniture (altering the position of tables and chairs) or beer gardens (installation of a smoking shelter that will not affect the use of exits or escape routes).
- 8.76 However, it should be noted that a section 34 application cannot be used to vary a licence so as to:

- extend a time limited licence;
- transfer the licence from one holder to another; or
- transfer the licence from one premises to another.

8.77 If an applicant wishes to make these types of changes to the premises licence, the applicant should make a new premises licence application under section 17 of the 2003 Act; or, to transfer the licence to another holder, an application under section 42 of the 2003 Act.

## **Relaxation of opening hours for local, national and international occasions**

8.78 It should normally be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year – such as bank holidays and St. George’s or St. Patrick’s Day – and to include appropriate opening hours in their operating schedules. Similarly, temporary event notices should be sufficient to cover other events which take place at premises that do not have a premises licence or club certificate.

8.79 However, exceptional events of local, national or international significance may arise which could not have been anticipated when the application was first made. In these circumstances, the Secretary of State may make a licensing hours order to allow premises to open for specified, generally extended, hours on these special occasions. This avoids the need for large numbers of applications to vary premises licences and club premises certificates. Typical events might include a one-off local festival or a Royal Jubilee.

## **Advertising applications**

8.80 The requirements governing the advertisement of applications for the grant, variation or review of premises licences and club premises certificates are contained in Regulations 25 and 26 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 which are published on the Government’s legislation website.

8.80 Applicants are required to:

- publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated; and
- display a brief summary of the application on an A4 (or larger) size notice, on pale blue paper in a prominent position immediately on or outside the premises for at least 28 consecutive days (starting on the day after the day on which the application was given to the relevant licensing authority). The notice must be printed legibly in black ink or typed in black in size 16 font or larger.
- ensure that the above notices contain the name of the applicant, postal addresses of the premises (or if there is no postal address a description of the premises sufficient to enable the location to be identified), relevant licensing authority and the date by which any representations in relation to the application need to be made to the licensing authority. They should also contain a statement of the relevant licensable activities or relevant qualifying club activities that it is proposed will be carried on at the premises, or in the case of an application to vary a premises licence or a club premises certificate the notices shall briefly describe the proposed variation.

- 8.81 It is the responsibility of the applicant for putting the notice up, however licensing authorities should consider where the signs should be placed and advise the applicant where appropriate, to ensure people will see them, in particular if an application is likely to be of interest to the public. As prescribed in regulations, licensing authorities must also place a notice on their website outlining key details of the application as set out in regulations, including:
- the name of the applicant or club;
  - the postal address of the premises or club premises;
  - the postal address and, where applicable, the internet address where the relevant licensing authority's register is kept and where and when the record of the application may be inspected;
  - the date by which representations from responsible authorities or other persons should be received and how these representations should be made; and
  - that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.
- 8.82 The summary of the application should set out matters such as the proposed licensable activities and the proposed hours of opening and should be clearly displayed for the period during which representations may be made, together with information about where the details of the application may be viewed.
- 8.83 Licensing authorities in Wales should consider encouraging applicants to provide details in the alternative language (Welsh or English) to that of the main advertisement itself where the application may be viewed. Therefore, if an applicant publishes a notice in English they should be encouraged to provide a statement in Welsh as to where the application may be viewed, and vice versa. This would allow the reader of the notice to make enquiries to the licensing authority and find out the nature of the application.
- 8.84 Licensing authorities in Wales are also required to publish key information from licence applications in Welsh on their websites.
- 8.85 In the case of applications for premises licences involving internet or mail order sales, notices should be conspicuously displayed at the place where the alcohol is appropriated to the contract.
- 8.86 A vessel which is not permanently moored or berthed is treated as if it were a premises situated in a place where it is usually moored or berthed. The newspaper advertisement notice for such a vessel would need to be in relation to this place (where it is usually moored or berthed) and there is no provision requiring such advertising in other areas, for instance, if the vessel journeys through other licensing authority areas.
- 8.87 Arrangements should be put in place by the licensing authority for other parties to view a record of the application in the licensing register as described in Schedule 3 to the 2003 Act. Charges made for copies of the register should not exceed the cost of preparing such copies. Licensing authorities may wish to conduct random and unannounced visits to premises to confirm that notices have been clearly displayed and include relevant and accurate information.



## Applications to change the designated premises supervisors

8.88 Chapter 4 covers designated premises supervisors and applications to vary a premises licence covering sales of alcohol by specifying a new designated premises supervisor. Chapter 4 covers applications by community premises to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act concerning the authorisation of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence.

## Provisional statements

8.89 Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.

8.90 The 2003 Act does not define the words “otherwise altered”, but the alteration must relate to the purpose of being used for one or more licensable activities.

8.91 Any person falling within section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. This would be possible where clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule including details of:

- the activities to take place there;
- the time at which such activities will take place;
- the proposed hours of opening;
- where the applicant wishes the licence to have effect for a limited period, that period;
- the steps to be taken to promote the licensing objectives; and
- where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.

8.92 In such cases, the licensing authority would include in the licence the date upon which it would come into effect. A provisional statement will normally only be required when the information described above is not available.

8.93 The 2003 Act therefore provides for a person, if an individual aged 18 or over, who has an interest in the premises to apply for a “provisional statement”. This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations. “Person” in this context includes a business.

8.94 When a hearing is held, the licensing authority must decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:

- attach conditions to the licence;
- rule out any of the licensable activities applied for;
- refuse to specify the person nominated as premises supervisor; or

- reject the application.

It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.

8.95 The licensing authority must copy the provisional statement to each person who made relevant representations, and the chief officer of police for the area in which the premises is situated. The licensing authority should give full and comprehensive reasons for its decision. This is important in anticipation of an appeal by any aggrieved party.

8.96 When a person applies for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement;
- the work in the schedule of works has been satisfactorily completed;
- given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
- there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made.

8.97 Any decision of the licensing authority on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.

8.98 A provisional statement may not be sought or given for a vessel, a vehicle or a moveable structure (see section 189 of the 2003 Act).

## **Transfers of premises licences**

8.99 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment. Where it is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police and the Home Office (Immigration Enforcement) no later than the first working day after the application is given. However, the responsibility to notify the DPS remains with the applicant. Otherwise the general guidance on electronic applications set out in paragraphs 8.21 to 8.28 applies.

8.100 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police or the Home Office

(Immigration Enforcement) raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

- 8.101 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.
- 8.102 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or the Home Office (Immigration Enforcement).

## **Interim authorities**

- 8.103 The 2003 Act provides special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly, becomes bankrupt, mentally incapable or ceases to be entitled to work in the UK. In the normal course of events, the licence would lapse in such circumstances. However, there may also be some time before, for example, the deceased person's estate can be dealt with or an administrative receiver appointed. This could have a damaging effect on those with interests in the premises, such as an owner, lessor or employees working at the premises in question; and could bring unnecessary disruption to customers' plans. The 2003 Act therefore provides for the licence to be capable of being reinstated in a discrete period of time in certain circumstances.
- 8.104 These circumstances arise only where a premises licence has lapsed owing to the death, incapacity or insolvency of the holder or where the holder ceases to be entitled to work in the UK. In such circumstances, an "interim authority" notice may be given to the licensing authority within 28 consecutive days beginning the day after the licence lapsed. Where applications are made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment. If an application is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police and the Home Office (Immigration Enforcement) no later than the first working day after the notice is given.
- 8.105 An interim notice may only be given either by a person with a prescribed interest in the premises as set out in the regulations made under the 2003 Act (which may be viewed on [www.legislation.gov.uk](http://www.legislation.gov.uk), the Government's legislation website); or by a person connected to the former holder of the licence (normally a personal representative of the former holder; or a person with power of attorney; or where someone has become

insolvent, that person's insolvency practitioner). The person giving the interim authority notice must be entitled to work in the UK.

- 8.106 The effect of giving the notice is to reinstate the premises licence as if the person giving the notice is the holder of the licence and thereby allow licensable activities to continue to take place pending a formal application for transfer. The maximum period for which an interim authority notice may have effect is three months.
- 8.107 The interim authority notice ceases to have effect unless, by the end of the initial period of 28 consecutive days, a copy of the notice has been given to the chief officer of police and the Home Office (Immigration Enforcement). Within two working days of receiving the copy, and if satisfied that in the exceptional circumstances of the case failure to cancel the interim authority would undermine the crime prevention objective, the police may give a notice to that effect to the licensing authority. Similarly, the Home Office (Immigration Enforcement) may give a notice to the licensing authority if satisfied that the exceptional circumstances of the case are such that failure to cancel the interim authority would undermine the prevention of illegal working in licensed premises. In such circumstances, the licensing authority must hold a hearing to consider the objection notice and cancel the interim authority notice if it decides that it is appropriate to do so for the promotion of the crime prevention objective.
- 8.108 Licensing authorities should be alert to the need to consider the objection quickly. Under section 50 of the 2003 Act, where the premises licence lapses (because of death, incapacity or insolvency of the holder or because the holder is no longer entitled to work in the UK) or by its surrender, but no interim authority notice has effect, a person who may apply for the grant of a premises licence under section 16(1) may apply within 28 consecutive days of the lapse for the transfer of the licence to them with immediate effect pending the determination of the application. This will result in the licence being reinstated from the point at which the transfer application was received by the licensing authority. Where the application is made in writing, the person applying for the transfer must copy their application to the chief officer of police and the Home Office (Immigration Enforcement). If the application is made electronically the licensing authority must copy the application to the police and the Home Office (Immigration Enforcement).

## **Right of freeholders etc to be notified of licensing matters**

- 8.109 A person (which will include a business or company) with a property interest in any premises situated in the licensing authority's area may give notice of their interest to the authority using a prescribed form and on payment of the relevant fee. The application may be made in writing or electronically via GOV.UK or the licensing authority's own facility, in which case the guidance at paragraphs 8.21 to 8.28 applies. Details of fees and forms are available on the GOV.UK website. It is entirely at the discretion of such persons whether they choose to register or not. It is not a legal requirement. Those who may take advantage of this arrangement include the freeholder or leaseholder, a legal mortgagee in respect of the premises, a person in occupation of the premises or any other person prescribed by the Secretary of State.
- 8.110 The notice will have effect for 12 months but a new notice can be given every year. While the notice has effect, if any change relating to the premises concerned has been made to the licensing register (which the licensing authority has a duty to keep under

section 8 of the 2003 Act), the licensing authority must notify the person who registered an interest of the matter to which the change relates. The person will also be notified of their right under section 8 to request a copy of the information contained in any entry in the register. In cases relating to interim authority notices (see above), it is important that such communications are dealt with promptly.

# 9. Determining applications

## General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

## Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

## Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

## Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to



the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

## **The role of responsible authorities**

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

## **Licensing authorities acting as responsible authorities**

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing

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<sup>5</sup> Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.



authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

## **Health bodies acting as responsible authorities**

- 9.20 Where a local authority's Director of Public Health in England (DPH)<sup>6</sup> or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may

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<sup>6</sup> This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

## Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

## Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

## Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.
- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate 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. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is



imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **Considering cases where licensing and planning applications are made simultaneously**

- 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

# 10. Conditions attached to premises licences and club premises certificates

## General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

## Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

## Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

## Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## Naming, packing and promotion in retail premises

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.
- 10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code,



the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

## Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. 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. 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. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 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.

## The performance of plays

- 10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play<sup>7</sup> which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

## Censorship

- 10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

## Major festivals and carnivals

- 10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations

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<sup>7</sup> See chapter 15 for when a performance of a play is licensable.

within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

- 10.19 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.20 Local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name.<sup>8</sup> This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place.<sup>9</sup> Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

## Fixed prices

- 10.21 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56.
- 10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

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<sup>8</sup> No licence is required for any entertainment provided by or on behalf of a local authority, see paragraphs 15.16-15.19

<sup>9</sup> The register of public spaces: <https://www.gov.uk/government/publications/licensed-spaces-register>

## **Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)**

- 10.23 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 10.24 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:
- a prescribed capacity;
  - an appropriate ratio of tables and chairs to customers based on the capacity; and
  - a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

## **Mandatory conditions in relation to the supply of alcohol**

- 10.25 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

### **Designated premises supervisor**

- 10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.27 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).
- 10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

## Authorisation by personal licence holders

- 10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.
- 10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.
- 10.31 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 10.32 The following factors should be relevant in considering whether or not an authorisation has been given:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
  - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
  - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
  - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.
- 10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

## Arrangements for the mandatory licence conditions

- 10.36 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.37 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex 1 of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.
- 10.38 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

## Irresponsible promotions

- 10.39 Under this condition, the “responsible person” (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have ensured that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives.

## Drinking games

- 10.40 Drinking games which require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise, are prohibited. For example, this may include organised ‘drink downing’ competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit ‘happy hours’ as long as these are not designed to encourage individuals to drink excessively or rapidly.



## **Large quantities of alcohol for free or a fixed price**

10.41 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

## **Prizes and rewards**

10.42 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, “Buy one and get two free” and “Buy one cocktail and get a second cocktail for 25p”. This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

## **Posters and flyers**

10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

## **Dispensing alcohol directly into the mouth**

10.44 The responsible person (see paragraph 10.39) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the ‘dentist’s chair’ where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers’ mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

## **Free potable water**

10.45 The responsible person (see paragraph 10.39) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.

## Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.
- 10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.
- 10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.
- 10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

## Smaller measures

- 10.51 The responsible person (see paragraph 10.39) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
  - Gin, rum, vodka or whisky: 25ml or 35ml
  - Still wine in a glass: 125ml

- 10.52 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures by displaying them on printed materials available to customers on the premises. This can include making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent and conspicuous place in the relevant premises (for example, at the bar). Moreover, staff must make customers aware of the availability of small measures when customers do not request that they be sold alcohol in a particular measure.
- 10.53 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.
- 10.54 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

### **Ban on sales of alcohol below the permitted price**

- 10.55 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) 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.
- 10.56 The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. Detailed guidance on how to make this calculation and a calculator to determine permitted prices for each product are available on the Home Office website.
- 10.57 Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.
- 10.58 It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.

### **Exhibition of films**

- 10.59 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.
- 10.60 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the



definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to ‘any film’, it is therefore applicable to the exhibition of adverts.

## Door supervision

- 10.61 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 (“the 2001 Act”), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority (“the SIA”) under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.62 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA’s Approved Contractor Scheme (section 15).
- 10.63 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.
- 10.64 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:
- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
  - casinos or bingo halls licensed under the Gambling Act 2005;
  - premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

- 10.65 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.
- 10.66 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition

should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)

# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.



## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## **Review of a premises licence following closure order or illegal working compliance order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.



## 12. Summary reviews

- 12.1 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.
- 12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

### Application for summary review

- 12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).
- 12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises are associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on gov.uk.
- 12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
- (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
  - (b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- 12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.

- 12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):
- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises. It is not expected that this power will be used as a first response to a problem and summary reviews triggered by a single incident are likely to be the exception.
  - The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
  - Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?
  - What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?
- 12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe or for an appropriate period determined by the licensing authority.
- 12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately.

## **The licensing authority and interim steps pending the review**

- 12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded<sup>11</sup>.
- 12.11 The licensing authority may want to consult the police about the steps that it thinks are

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<sup>11</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

12.13 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.14 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw

or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

## **Making representations against the interim steps**

- 12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.
- 12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.
- 12.19 At the hearing to consider representations against interim steps the licensing authority must:
- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
  - determine whether to withdraw or modify the steps taken.
- 12.20 When considering the case the licensing authority must take into account:
- the senior officer's certificate that accompanied the application;
  - the chief officer's representations (if any); and
  - any representations made by the premises licence holder.
- 12.21 There is no right of appeal to a magistrates' court against the licensing authority's

decision at this stage.

## **The review of the premises licence under section 53C**

- 12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).
- 12.23 In making its final determination the steps the licensing authority can take are:
- the modification of the conditions of the premises licence;
  - the exclusion of a licensable activity from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence.
- 12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 12.25 The licensing authority must:
- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
  - advertise that any representations which the premises licence holder, responsible authority or any other person want the licensing authority to consider at the review hearing, should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
  - give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.
- 12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –
- whether he intends to attend or be represented at the hearing;
  - whether he considers a hearing to be unnecessary.
  - whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.



- 12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.
- 12.28 The licensing authority must notify its decision and the reasons for making it to:
- the holder of the premises licence;
  - any person who made relevant representations; and
  - the chief officer of police who made the original application.

## **Review of the interim steps under section 53D**

- 12.29 The licensing authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged (see below information on right of appeal). To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under section 53C has been reached. In making its decision, the licensing authority must consider any relevant representations made.
- 12.30 In conducting the review of the interim steps the licensing authority has the power to take any of the steps that were available to it at the initial stage (see paragraph 12.13). Any interim steps taken at the review hearing apply until—
- (a) the end of the period given for appealing against a decision made under section 53C (21 days),
  - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
  - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

## **Right of appeal against review of interim steps decision**

- 12.31 The licence holder or the chief officer of police may appeal against the decision made by the licensing authority concerning its review of the interim steps to a magistrates' court. The appeal must be made within 21 days of the appellant being notified of the licensing authority's decision and must be heard in full by the magistrates' court within 28 days beginning with the day on which the appellant lodged the appeal.

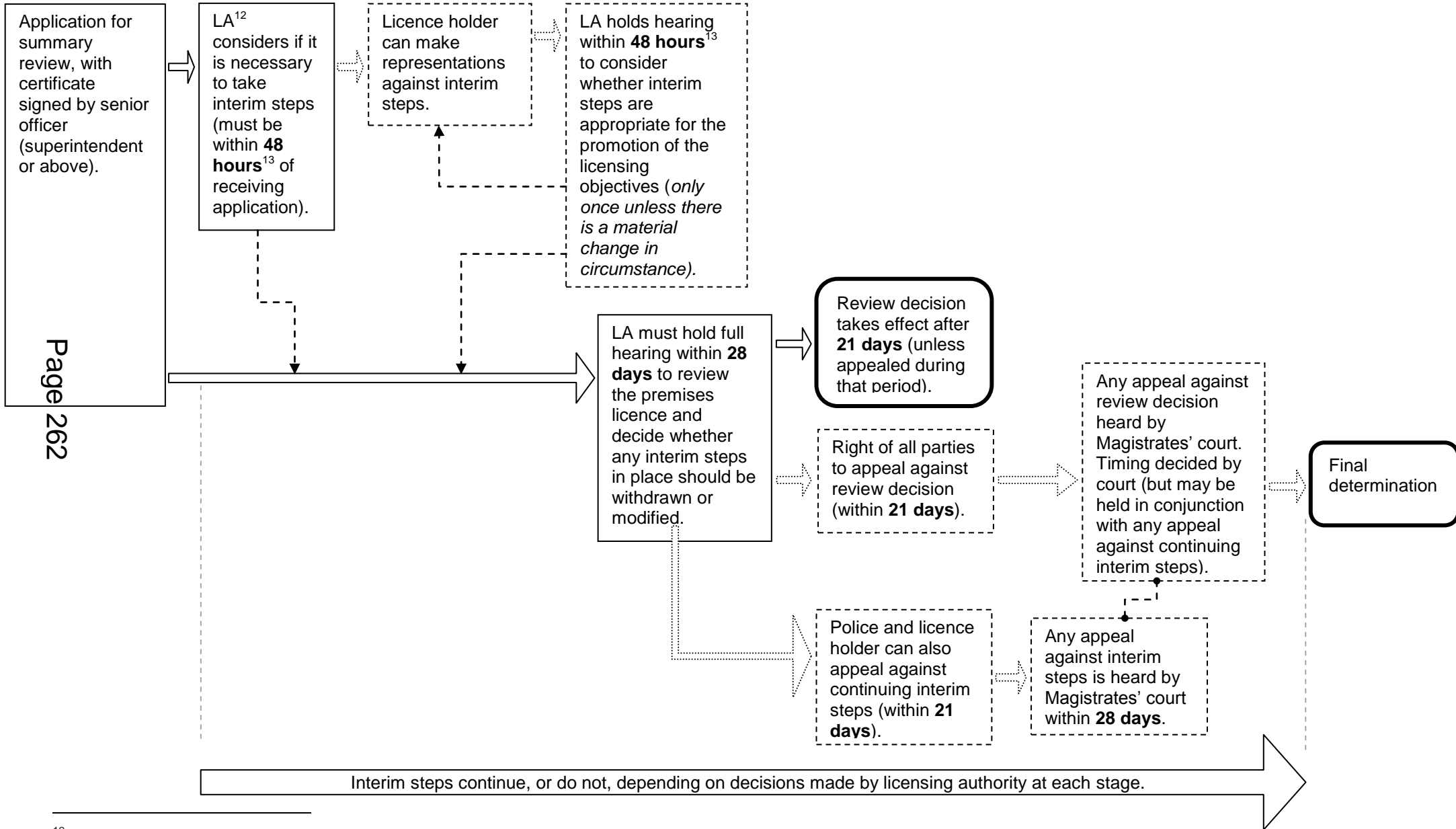
## **Right of appeal against final review decision**

- 12.32 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 12.33 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.
- 12.34 Where appeals are lodged both against the decision following the review of the interim steps and against the final determination, the courts may decide to consider the appeal against the final determination within the 28 day period, allowing the interim steps appeal to be disposed of at the same time.

## **Flow diagram of the summary review process**

- 12.35 The following flow diagram summarises the process.

Summary review flowchart



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<sup>12</sup> Licensing authority

<sup>13</sup> Only working days count



# 13. Appeals

- 13.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.

## General

- 13.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated.
- 13.3 An appeal has to be commenced by the appellant giving a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.
- 13.4 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant, licence holder, club or premises user against the representations of a responsible authority or any other person, or the objections of the chief officer of police, the Home Office (Immigration Enforcement), or local authority exercising environmental health functions, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal, and the person who made the relevant representation or gave the objection will be the appellants.
- 13.5 Where an appeal has been made against a decision of the licensing authority, the licensing authority will in all cases be the respondent to the appeal and may call as a witness a responsible authority or any other person who made representations against the application, if it chooses to do so. For this reason, the licensing authority should consider keeping responsible authorities and others informed of developments in relation to appeals to allow them to consider their position. Provided the court considers it appropriate, the licensing authority may also call as witnesses any individual or body that they feel might assist their response to an appeal.
- 13.6 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.
- 13.7 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 licensing authority; or
  - remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

All parties should be aware that the court may make an order for one party to pay another party's costs.

On any appeal, the court is not entitled to consider whether the licence holder should have been convicted of an immigration offence or been required to pay an immigration penalty, or whether they should have been granted by the Home Office permission to be in the UK. This is because separate rights exist to appeal these matters or to have an immigration decision administratively reviewed.

## **Licensing policy statements and Section 182 guidance**

- 13.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it was justified to do so because of the individual circumstances of any case. In other words, while the court will normally consider the matter as if it were "standing in the shoes" of the licensing authority, it would be entitled to find that the licensing authority should have departed from its own policy or the Guidance because the particular circumstances would have justified such a decision.
- 13.9 In addition, the court is entitled to disregard any part of a licensing policy statement or this Guidance that it holds to be ultra vires the 2003 Act and therefore unlawful. The normal course for challenging a statement of licensing policy or this Guidance should be by way of judicial review, but where it is submitted to an appellate court that a statement of policy is itself ultra vires the 2003 Act and this has a direct bearing on the case before it, it would be inappropriate for the court, on accepting such a submission, to compound the original error by relying on that part of the statement of licensing policy affected.

## **Giving reasons for decisions**

- 13.10 It is important that a licensing authority gives comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.
- 13.11 It is important that licensing authorities also provide all parties who were party to the original hearing, but not involved directly in the appeal, with clear reasons for any subsequent decisions where appeals are settled out of court. Local residents in particular, who have attended a hearing where the decision was subject to an appeal, are likely to expect the final determination to be made by a court.

## **Implementing the determination of the magistrates' courts**

- 13.12 As soon as the decision of the magistrates' court has been promulgated, licensing authorities should implement it without delay. Any attempt to delay implementation will only bring the appeal system into disrepute. Standing orders should therefore be in place that on receipt of the decision, appropriate action should be taken immediately unless ordered by the magistrates' court or a higher court to suspend such action (for example, as a result of an on-going judicial review). Except in the case of closure orders, the 2003 Act does not provide for a further appeal against the decision of the magistrates' courts and normal rules of challenging decisions of magistrates' courts will apply.

## Provisional statements

13.13 To avoid confusion, it should be noted that a right of appeal only exists in respect of the terms of a provisional statement that is issued rather than one that is refused. This is because the 2003 Act does not empower a licensing authority to refuse to issue a provisional statement. After receiving and considering relevant representations, the licensing authority may only indicate, as part of the statement, that it would consider certain steps to be appropriate for the promotion of the licensing objectives when, and if, an application were made for a premises licence following the issuing of the provisional statement. Accordingly, the applicant or any person who has made relevant representations may appeal against the terms of the statement issued.

# 14. Statements of licensing policy

## Introduction

### The Licensing Act 2003

14.1 This chapter provides guidance on the development and preparation of local statements of licensing policy for publication by licensing authorities, the general principles that it is recommended should underpin them, and core content to which licensing authorities are free to add.

## General

14.2 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. 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 2003 Act. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the licensing authority determines and publishes its policy in this way, a new five-year period commences on the date it is published. Previously, licensing authorities were required to determine their licensing policies for each three-year period. Licensing policies published in respect of the three-year period that began on 7 January 2011 are to be treated as though they apply to a period of five years beginning at that date.

14.3 Where revisions to the section 182 Guidance are made by the Secretary of State, it will be for the licensing authority to determine whether revisions to its own licensing policy statement are appropriate.

## Consultation on policies

14.4 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England (DPH)<sup>14</sup> or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

14.5 The views of all these persons or bodies should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the

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<sup>14</sup> This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

2003 Act, but licensing authorities must make reasonable efforts to do so. Licensing authorities should note that the terms of the 2003 Act do not prevent them consulting other bodies or persons.

- 14.6 Subject to the statutory requirements, it is for each licensing authority to determine the extent of the consultation it should undertake, and whether any particular person or body is representative of the groups described in the 2003 Act. While it is clearly good practice to consult widely, this may not always be necessary or appropriate (for example, where a licensing authority has recently carried out a comprehensive consultation in relation to a revision to its policy made within five years of a full revision to it). As such, it may decide on a simple consultation with those persons listed.
- 14.7 However, licensing authorities should consider very carefully whether a full consultation is appropriate as a limited consultation may not allow all persons sufficient opportunity to comment on and influence local policy (for example, where an earlier consultation was limited to a particular part of the policy, such as a proposal to introduce a cumulative impact policy).
- 14.8 Fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, but this will be based on the statutory requirements. Where licensing authorities exceed these requirements, they will have to absorb those costs themselves.

## **Fundamental principles**

- 14.9 All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees.
- 14.10 While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.
- 14.11 Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.
- 14.12 Statements of policies should make clear that:
- licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and
  - conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.
- 14.13 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the 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 always be part of a holistic approach to the management of the evening and night-time

economy in town and city centres.

## **Licence conditions**

- 14.14 Statements of licensing policy should reflect the general principles regarding licence conditions set out in Chapter 1 of this guidance.
- 14.15 Statements of licensing policy should include a firm commitment to avoid attaching conditions that duplicate other regulatory regimes as far as possible. Chapter 10 provides further detail on this issue.

## **Enforcement**

- 14.16 The Government recommends that licensing authorities should establish and set out joint enforcement protocols with the local police and the other authorities and describe them in their statement of policy. This will clarify the division of responsibilities for licence holders and applicants, and assists enforcement and other authorities to deploy resources more efficiently.
- 14.17 In particular, these protocols should also provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. In some local authority areas, the limited validity of public entertainment, theatre, cinema, night café and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether the assessed risks make such inspections necessary. The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. Principles of risk assessment and targeted inspection (in line with the Regulators' Code) should prevail and, for example, inspections should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are used efficiently and for example, are more effectively concentrated on problem premises. Licensing authorities should also remind operators of licensed premises that it is incumbent on them to provide appropriate training for their staff to ensure the promotion the licensing objectives.

## **Entertainment provision**

- 14.18 Statements of licensing policy should set out the extent to which the licensing authority intends to facilitate a broad range of entertainment provision for enjoyment by a wide cross-section of the public. Statements of licensing policy should address what balance is to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. Licensing authorities should be conscious that licensing policy may inadvertently deter live music by imposing indirect costs of a disproportionate nature, for example a blanket policy that any pub providing live music entertainment must have door supervisors.

## **The need for licensed premises**

- 14.19 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of



licensing policy.

## **The cumulative impact of a concentration of licensed premises**

### **What is cumulative impact?**

- 14.20 The concept of “Cumulative impact” has been described within this guidance and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 14.21 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 14.22 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 14.23 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

### **Cumulative impact assessments**

- 14.24 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 14.25 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act. The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a

licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

- 14.26 The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.
- 14.27 CIAs may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night refreshment providers which are not licensed to sell alcohol. A CIA may relate to all premises licences and club premises certificates in the area described in the assessment or parts thereof, or only to premises of a particular kind described in the assessment. For example, it may be appropriate for the licensing authority to only include off-licences or nightclubs within the scope of its assessment. The licensing authority must make clear, when publishing its CIA, which premises types it applies to. CIAs do not apply to TENs; however it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within a CIA when objecting to a TEN.
- 14.28 While the evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case.

## **Evidence of cumulative impact**

- 14.29 As noted above, there must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - statistics on local anti-social behaviour offences;
  - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - environmental health complaints, particularly in relation to litter and noise;
  - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
  - residents' questionnaires;
  - evidence from local and parish councillors; and
  - evidence obtained through local consultation.



- 14.30 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:
- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
  - changes in terminal hours of premises;
  - premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.
- 14.31 Where existing information is insufficient or not readily available, but the licensing authority believes there are problems in its area resulting from the cumulative impact of licensed premises, it can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.
- 14.32 In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key areas and times at which there are specific issues.
- 14.33 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to publish a CIA. The CIA should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 14.46.

## **Steps to publishing a cumulative impact assessment**

- 14.34 The steps to be followed in considering whether to publish a CIA are summarised below.
- Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
  - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
  - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
  - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
  - Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
  - For the purposes of the consultation provide the persons specified in section 5(3) with the following information:
    - the reasons why it is considering publishing a CIA;

- a general indication of the part or parts of its area which it is considering describing in the assessment;
- whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
- Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade, off-trade and late night refreshment providers, and can apply their own descriptions such as vertical-drinking bars and night clubs if appropriate.
- Summarise the licensing authority’s opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which it would likely be inconsistent with the licensing authority’s duty to promote the licensing objectives to grant.

## Reviewing the CIA

- 14.35 After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3). If having consulted with the statutory list of persons the licensing authority decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no longer applies. The licensing authority should remove any reference to the CIA within its licensing policy statement at the earliest opportunity.
- 14.36 If having consulted the licensing authority decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. This is likely to involve the collation of fresh or updated evidence of the kind described in the above section on evidence of cumulative impact. The licensing authority must also at this stage publish any other material change to the assessment. For example if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced or where there is evidence of the emergence of a new type of problem.
- 14.37 In each case the three year period for reviewing a CIA begins with the original date of the publication of the CIA or the date that a CIA was last revised. Where a licensing policy statement as a whole is due for review, under the five year review period under section 5(4), and this occurs before the end of the three year CIA review period, licensing authorities may wish to use this as an opportunity to carry out a review of the evidence in support of the CIA. However, licensing authorities are free to carry out consultations and reviews of their CIAs (and/or licensing policy statements) at more regular intervals if they consider this to be appropriate.

- 14.38 As Cumulative Impact Policies were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation on CIAs or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular concerning relevant evidence and consultation).

### **Effect of cumulative impact assessments**

- 14.39 When publishing a CIA a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence is used to justify the statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area (limited to a kind described in the assessment), would be inconsistent with the authority's duty to promote the licensing objectives.
- 14.40 In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.
- 14.41 The CIA must also stress that it does not relieve responsible authorities (or any other persons) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published. It remains incumbent on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 14.42 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person

making the representation to provide relevant evidence of cumulative impact.

- 14.43 As noted above, CIAs may apply to the impact of a concentration of any licensed premises, including those licensed for the sale of alcohol on or off the premises, and premises licensed to provide late night refreshment. When establishing its evidence base for publishing a CIA, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the CIA.

## **Limitations on special policies relating to cumulative impact**

- 14.44 A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA 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. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 14.45 CIAs should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 17). The “cumulative impact” on the promotion of the licensing objectives of a concentration of licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered.
- 14.46 CIAs must not impose quotas based on either the number of premises or the capacity of those premises. This is because quotas that indirectly have the effect of predetermining the outcome of any application would have no regard to the individual characteristics of the premises concerned.

## **Other mechanisms for controlling cumulative impact**

- 14.47 Once away from the licensed premises, a minority of consumers will behave badly. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:
- planning control;

- 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, including best practise schemes such as Best Bar None, Pubwatch or BIDs;
- Community Protection Notices;
- the provision of CCTV surveillance in town centres, 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;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- Raising a contribution to policing the late night economy through the Late Night Levy.
- Early Morning Alcohol Restriction Orders (see Chapter 17).

14.48 As part of its licensing policy statement, the licensing authority may also wish to consider the use of alternative approaches such as fixed closing times, staggered closing times and zoning. Such policy restrictions would need to be evidence-based and would be subject to the merits of each case in accordance with what is appropriate for the promotion of the licensing objectives. The licensing authority would be expected to justify the use of such measures as an appropriate means of managing problems in its area.

## Public Spaces Protection Order

14.49 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014<sup>15</sup>. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police. DPPOs will continue to be valid for a period of three years following commencement of the PSPO in October 2014. Once that three year period expires, they will be treated as a PSPO and enforceable as such. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times<sup>16</sup>. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

14.50 It should be noted that when one part of a local authority seeks a premises licence of this kind from the licensing authority, the licensing committee and its officers must consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they must be considered fairly by the committee. Anyone making a representation that is genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority

<sup>15</sup> For full guidance on the PSPO please see the statutory guidance on the 2014 Act: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf)

<sup>16</sup> Licensed premises in general are exempt from the effect of a PSPO.



would be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision.

## Licensing hours

- 14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 14.52 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

## Children

- 14.53 It is an offence under the 2003 Act to:
- permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a TEN; and
  - to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or TEN.
- 14.54 Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the offences under the 2003 Act. The expression 'exclusively or primarily' should be given its ordinary and natural meaning in the context of the particular circumstances.
- 14.55 Where it is not clear that the business is predominately for the sale and consumption of alcohol, operators and enforcement agencies should seek to clarify the position before enforcement action is taken. Mixed businesses may be more difficult to classify and in such cases operators and enforcement agencies should consult where appropriate

about their respective interpretations of the activities taking place on the premises before any moves are taken which might lead to prosecution.

- 14.56 The 2003 Act does not automatically permit unaccompanied children under the age of 18 to have free access to premises where the consumption of alcohol is not the exclusive or primary activity or to the same premises even if they are accompanied, or to premises where the consumption of alcohol is not involved. Subject only to the provisions of the 2003 Act and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. The 2003 Act includes no presumption of giving children access but equally, no presumption of preventing their access to licensed premises. Each application and the circumstances of individual premises must be considered on their own merits.
- 14.57 A statement of licensing policy should not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them (please see Chapter 2). It may not be possible for licensing policy statements to anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore the individual merits of each application should be considered in each case.
- 14.58 A statement of licensing policy should make clear the range of alternatives which may be considered for limiting the access of children where that is appropriate for the prevention of harm to children. Conditions which may be relevant in this respect are outlined in paragraph 2.27.
- 14.59 Statements of policy should also make clear that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.
- 14.60 Venue operators seeking premises licences and club premises certificates should consider including such prohibitions and restrictions in their operating schedules particularly where their own risk assessments have determined that the presence of children is undesirable or inappropriate.

## **Responsible authority and children**

- 14.61 A statement of licensing policy should indicate which body the licensing authority judges to be competent to act as the responsible authority in relation to the protection of children from harm. This may be the local authority social services department, the Local Safeguarding Children Board or other competent body as agreed locally. It would be practical and useful for statements of licensing policy to include descriptions of the responsible authorities in any area and appropriate contact details.

## **Children and cinemas**

- 14.62 The statement of policy should make clear that in the case of premises giving film exhibitions<sup>17</sup>, the licensing authority will expect licence holders or clubs 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

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<sup>17</sup> See paragraphs 15.22-15.24 in relation to the licensing exemption for an exhibition of a film on community premises.

Classification or the licensing authority itself (see paragraphs 10.59 to 10.60).

## **Integrating strategies**

14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

## **Planning and building control**

14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

## **Promotion of equality**

14.66 A statement of licensing policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

14.67 Public authorities are required to publish information at least annually to demonstrate their compliance with the Equality Duty. The statement of licensing policy should refer to this legislation, and explain how the Equality Duty has been complied with. Further guidance is available from Government Equalities Office and the Equality and Human Rights Commission.

## **Administration, exercise and delegation of functions**

14.68 The 2003 Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its licensing committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The licensing committee may delegate these functions to sub-committees consisting of three members of the committee, or in



appropriate cases to officials supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive. Statements of licensing policy should indicate how the licensing authority intends to approach its various functions. Many of the decisions and functions will be purely administrative in nature and statements of licensing policy should underline the principle of delegation in the interests of speed, efficiency and cost-effectiveness.

- 14.69 The 2003 Act does not prevent the development by a licensing authority of collective working practices with other parts of the local authority or other licensing authorities for work of a purely administrative nature, e.g. mail-outs. In addition, such administrative tasks may be contracted out to private businesses. But any matters regarding licensing decisions must be carried out by the licensing committee, its sub-committees or officers.
- 14.70 Where, under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters should be dealt with by officers in order to speed matters through the system. Licensing committees should receive regular reports on decisions made by officers so that they maintain an overview of the general situation. Although essentially a matter for licensing authorities to determine themselves, it is recommended that delegation should be approached in the following way:

**Table: Recommended Delegation of Functions**

| <b>Matters to be dealt with</b>  | <b>Sub Committee</b>              | <b>Officers</b>                    |
|--|-----------------------------------|------------------------------------|
| Application for personal licence   | If a police objection             | If no objection made               |
| Application for personal licence with unspent convictions  | All cases                         |                                    |
| Application for premises licence/club premises certificate   | If a relevant representation made | If no relevant representation made |
| Application for provisional statement  | If a relevant representation made | If no relevant representation made |
| Application to vary premises licence/club premises certificate   | If a relevant representation made | If no relevant representation made |
| Application to vary designated premises supervisor   | If a police objection             | All other cases                    |
| Request to be removed as designated premises supervisor  |                                   | All cases                          |
| Application for transfer of premises licence   | If a police objection             | All other cases                    |
| Applications for interim authorities   | If a police objection             | All other cases                    |
| Application to review premises licence/club premises certificate   | All cases                         |                                    |
| Decision on whether a representation 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 an objection to a temporary event notice  | All cases                         |                                    |
| Determination of application to vary premises licence at community premises to include alternative licence condition | If a police objection             | All other cases                    |
| Decision whether to consult other responsible authorities on minor variation application                             |                                   | All cases                          |
| Determination of minor variation application   |                                   | All cases                          |

# 15. Licence fees

- 15.1 The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. 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 before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.

## Dispute

- 15.2 The 2003 Act describes a dispute as one relating to liability to pay the fee at all or relating to its amount. In either case, the licence or certificate holder must notify the licensing authority of the dispute on or before the date on which the fee to which it relates becomes due.

## Administrative error

- 15.3 There is no definition of “administrative error” in the 2003 Act, but it can include an error on the part of the licensing authority, the licence or certificate holder, or any other person. Therefore, “administrative error” will be given its plain, ordinary meaning. An example might be where post has been misdirected.

## Suspension

- 15.4 If a licensing authority suspends a licence or certificate, it must notify the holder in writing and specify the date on which the suspension takes effect; this date must be at least two working days after the day the authority gives the notice. It should be noted that this is the minimum period only, and licensing authorities should consider applying longer periods. The authority may wish to inform the police and other responsible authorities that the licence or certificate has been suspended.
- 15.5 A suspension ceases to have effect on the day on which the licensing authority receives payment of the outstanding fee from the licence or certificate holder. To enable the licence holder to demonstrate that the licence has been reinstated, the licensing authority is required to give the holder written acknowledgment of receipt as soon as practicable following receipt, and:
- a) if payment was received on a working day, no later than the end of the next working day, or
  - b) if payment was received on a day when the authority is not working, no later than the end of the second working day after the day on which the fee was received.
- 15.6 Licensing authorities may wish to consider requesting, in the notice of suspension mentioned above, that subsequent payment of the outstanding fee may be made in such manner as would most expeditiously bring it to the attention of the authority. The licensing authority may also wish to inform the police and other responsible authorities that the licence or certificate has been reinstated.

## Effects of suspension

15.7 A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. 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. The suspension of licences and certificates is only applicable to unpaid annual fees that become due after sections 55A and 92A of the 2003 Act came into force on 25 April 2012. In the case of a licence or certificate where more than one payment year has been missed (since the coming into force of sections 55A and 92A) payment of the outstanding fee in relation to each year will be required to reinstate the licence.

## Additional fees for large scale events

- 15.8 It should be noted that premises licences for large scale events do not automatically attract the higher fee levels set out in the fee regulations made under the 2003 Act, which must be paid in addition to the standard application or variation fees when the premises licence relates to activities attracting the attendance of 5,000 or more. Venues that are permanent or purpose built or structurally altered for the activity are exempt from the additional fee.
- 15.9 Regulations prescribe that the additional fee for large scale events would not be payable where the premises is a structure which is not a vehicle, vessel or moveable structure, and has been constructed or structurally altered to allow:
- the proposed licensable activities to take place;
  - the premises to be modified temporarily, from time to time, if relevant for the proposed licensable activities;
  - the proposed number of people on the premises at any one time; and
  - the premises to be used in a manner which complies with the operating schedule.
- 15.10 The full details of where the additional fee is applicable can be found in regulations on the Government's legislation website – [www.legislation.gov.uk](http://www.legislation.gov.uk).

# 16. Regulated entertainment

## Types of regulated entertainment

- 16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. Changes to regulated entertainment are due to take effect on 6 April 2015. Therefore, up until that date you should refer to chapter 16 of the guidance published in October 2014.
- 16.2 The descriptions of entertainment activities licensable under the 2003 Act are:
- a performance of a play;
  - an exhibition of a film;
  - an indoor sporting event;
  - a boxing or wrestling entertainment;
  - a performance of live music;
  - any playing of recorded music;
  - a performance of dance; and
  - entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- 16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:
- take place in the presence of a public audience, or
  - where that activity takes place in private, be the subject of a charge made with a view to profit.
- 16.4 Guidance around what constitutes audiences and private events is at paragraphs 16.11-16.14.

## Overview of circumstances in which entertainment activities are not licensable

- 16.5 There are a number of exemptions that mean that a licence (or other authorisation<sup>18</sup>) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:
- activities which involve participation as acts of worship in a religious context;
  - activities in places of public religious worship;
  - education – teaching students to perform music or to dance;
  - the demonstration of a product – for example, a guitar – in a music shop;
  - the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;

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<sup>18</sup> The word 'licence' is typically used as a reference to all forms of authorisation

- Morris dancing (or similar)<sup>19</sup>;
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity<sup>20</sup>;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity<sup>21</sup>;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors)<sup>22</sup>.

16.6 As a result of deregulatory changes that have amended the 2003 Act<sup>23</sup>, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500<sup>24</sup>.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises,

<sup>19</sup> Including any live music or playing of recorded music as an integral part of a performance of Morris dancing, or similar activity.

<sup>20</sup> See paragraphs 16.57-16.61

<sup>21</sup> See paragraphs 16.65-16.68

<sup>22</sup> This was previously licensable under the 2003 Act until the commencement of the Live Music Act 2012.

<sup>23</sup> The Live Music Act 2012 (“2012 Act”) <http://www.legislation.gov.uk/ukpga/2012/2>; Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 (“2013 Order”) <http://www.legislation.gov.uk/uksi/2013/1578/contents/made>; The Legislative Reform (Entertainment Licensing) Order 2014 (“2014 Order”) <http://www.legislation.gov.uk/uksi/2014/3253/introduction/made>; and the Deregulation Act 2015 (“2015 Act”).

<sup>24</sup> But see paragraphs 16.47 -16.48 in relation to dance that is adult entertainment and remains licensable.

provided that the audience does not exceed 500<sup>25</sup>.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace<sup>26</sup> that does not have a licence, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500<sup>27</sup>.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment)

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<sup>25</sup> Provided that a number of other important conditions are satisfied (see paragraphs 16.38-16.43).

<sup>26</sup> The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act.

<sup>27</sup> Provided that a number of other important conditions are satisfied, see paragraphs 16.38-16.43.



taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

- 16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely<sup>28</sup>, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN)<sup>29</sup> could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.
- 16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning).<sup>30</sup> Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.
- 16.9 The various effects of the changes made to entertainment licensing by the set of deregulatory changes between 2012 and 2015<sup>31</sup> are described in greater detail in subsequent paragraphs:
- Music entertainment, see in particular paragraphs: 16.20-16.21; 16.26-16.33; and 16.36-16.44;
  - Plays, dance, and indoor sporting events, see in particular paragraphs: 16.34-16.35 and 16.45-16.48;
  - Local authority, hospital and school premises, see in particular paragraphs: 16.16-16.20
  - Community premises, see in particular paragraphs: 16.21-16.24 and 16.34-16.35
  - Circuses, see in particular paragraph 16.25
  - Boxing or wrestling entertainment, see in particular paragraphs: 16.49-16.51.

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<sup>28</sup> See paragraph 16.12

<sup>29</sup> See chapter 7

<sup>30</sup> See paragraphs 16.70-16.72 in relation to other licensing regimes

<sup>31</sup> An entertainment activity may meet the conditions of more than one exemption



## General circumstances in which entertainment activities are licensable

16.10 An authorisation for regulated entertainment is always required for entertainment activities that take place before 08.00 or after 23.00, unless exempted under any other provision of the 2003 Act, as amended<sup>32</sup>.

### Audience

16.11 For the purposes of regulated entertainment, the term “audience” refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present<sup>33</sup> and that the purpose of the licensable activity is (at least in part) intended to entertain any person present<sup>34</sup>. The audience will not include performers, together with any person who contributes technical skills in substantial support of a performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties.

16.12 More than one entertainment activity (or for a single activity, more than one performance or event) can be held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, their taking place in separate rooms or on separate floors. However, organisers will have to ensure that audiences do not grow or migrate, so that the audience exceeds the relevant limit for any one performance or event at any time. If there is the possibility of audience migration, it might be easier and more flexible to secure an appropriate authorisation.

### Private events

16.13 Events held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity). For example, where a party is held for friends in a private dwelling featuring amplified live music, if a charge or contribution is made solely to cover the costs of the entertainment, the activity is not regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable – it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to achieving a profit. The fact that this might inadvertently result in the organiser making a profit would be irrelevant, as long as there had not been an intention to make a profit.

16.14 Schedule 1 to the 2003 Act also makes it clear that before entertainment is regarded as

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<sup>32</sup> See examples at paragraph 16.5

<sup>33</sup> In some circumstances, such as un-ticketed live music events, a degree of judgement may be required as to whether persons are part of an audience. Factors to consider could include whether a person is within the perimeter of the premises, the audible range of the performance, and their visibility of the entertainment. In order to meet the definition of an entertainment activity in the 2003 Act, the activity must take place in the presence of an audience and be provided for the purpose, or for purposes which include the purpose of, entertaining that audience.

<sup>34</sup> For example, a darts championship competition hosted in part to entertain an audience could be a licensable activity, but a pub game of darts played for the enjoyment of the participants is not licensable.

being provided for consideration, a charge has to be:

- made by or on behalf of a person concerned with the organisation or management of the entertainment; and
- paid by or on behalf of some or all of the persons for whom the entertainment is provided.

## **Circumstances in which entertainment activities are no longer licensable**

16.15 No licence is required for certain entertainment activities on specified premises, as follows:

### **Local authorities, hospital healthcare providers and school proprietors: cross-entertainment activity exemption**

16.16 No licence is required for any entertainment provided by or on behalf of a local authority, health care provider, or school proprietor to the extent that it takes place on defined premises, between 08.00-23.00 on any day provided that:

- for entertainment provided by, or on behalf of, a local authority it takes place on premises in which that authority has a relevant property interest, or is in lawful occupation;
- for entertainment provided by, or on behalf of, a health care provider it takes place on any premises forming part of a hospital in which the provider has a relevant property interest, or is in lawful occupation; and
- for entertainment provided by, or on behalf of, a school proprietor it takes place on the premises of the school.

16.17 This Guidance cannot give examples of every eventuality where entertainment is not licensable under this exemption through being provided “by or on behalf of”. It will depend on the facts in each case. However, the following are examples of activities that are not usually considered to be licensable under this exemption:

- Any entertainment activity hosted by a local authority on their own premises, where there is a significant relationship between the local authority and the provider of the entertainment (e.g. principal and agent);
- Any entertainment activity organised on a local authority’s behalf on that local authority’s premises by a cultural trust in discharge of a local authority’s discretionary power to arrange entertainment provision and support for the arts, including festivals and celebrations.
- Any entertainment activity organised by a healthcare provider on their own hospital premises in partnership with a hospital charity;
- Any entertainment event on school premises organised by the Parent Teacher Association (PTA) to benefit the school.

16.18 It is for the local authority, health care provider or school proprietor to determine whether, and on what basis, they can (or wish) to provide entertainment activity under this exemption, including consideration of issues around fundraising, profit making, governance or use of public funds. However a pure hire of premises by a third party<sup>35</sup>

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<sup>35</sup> But see paragraph 16.20

does not constitute the provision of an entertainment event “on behalf of” a local authority, healthcare provider, or school proprietor and nor does commercial entertainment which the local authority<sup>36</sup> merely facilitates through providing a public space<sup>37</sup>.

16.19 All the terms used in this exemption, such as “local authority”, “health care”, “health care provider”, “hospital”, “school”, “school premises”, “school proprietor”, “domestic premises” and “relevant property interest” are defined in the 2014 Order<sup>38</sup>.

### **Local authority, hospital and school premises: third party music entertainment**

16.20 No licence is required for a performance of live music or the playing of recorded music on local authority, hospital or school premises, that are not domestic premises, between 08.00-23.00 on any day provided that:

- it is performed in front of an audience of no more than 500 people; and
- a person concerned in the organisation or management of the music entertainment has obtained the prior written consent<sup>39</sup> of the local authority, health care provider or school proprietor (as appropriate) for that entertainment to take place. It is for these “trusted providers” to determine whether, or not, they wish to make their premises available for music entertainment by a 3rd party and on what terms they deem it appropriate.

### **Community premises: music entertainment**

16.21 No licence is required for a performance of live music or the playing of recorded music on community premises<sup>40</sup>, between 08.00-23.00 on any day provided that:

- the community premises are **not** authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises<sup>41</sup>;
- the music entertainment is in the presence of an audience of no more than 500 people; and
- a person concerned in the organisation or management of the music entertainment has obtained the prior written consent<sup>42</sup> of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

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<sup>36</sup> Or healthcare provider or school proprietor.

<sup>37</sup> The exemption would similarly not apply, for example, to a commercial company operating on premises belonging to a local authority under a long term lease.

<sup>38</sup> See footnote 20

<sup>39</sup> This requirement is designed to ensure that those responsible for the premises hosting the entertainment have considered and approved the effect of the event on other users of their premises and the wider community.

<sup>40</sup> The definition of community premises is covered in paragraphs 4.56-4.60 of this Guidance. A community premises is likely to be multi-functional and ‘other similar building’ within the definition cannot be stretched to ordinarily include a public house, a bingo hall, or other business premises or private property.

<sup>41</sup> Where a community premises is licensed for the supply of alcohol by a premises licence (or exceptionally a club premises certificate), then any performance of live music or the playing of recorded music on relevant alcohol licensed premises may be subject to the conditional deregulation described in paragraphs 16.26-16.33.

<sup>42</sup> See footnote 36

## Community premises: exhibition of film

- 16.22 No licence<sup>43</sup> is required for an exhibition of a film on community premises<sup>44</sup> between 08.00-23.00 on any day provided that:
- the film entertainment is not provided with a view to profit<sup>45</sup>;
  - the film entertainment is in the presence of an audience of no more than 500 people;
  - the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
  - a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent<sup>46</sup> of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.
- 16.23 Under this exemption, one condition is that the film entertainment is not being provided with a view to profit<sup>47</sup>. An entry charge does not of itself make the film entertainment licensable; it is whether the organiser intended to make a profit (that includes raising money for charity). A charge or contribution that is made solely to cover the costs of the film screening<sup>48</sup> is consistent with 'not being provided with a view to profit'. The 'not with a view to profit' condition applies solely to the activity of exhibiting the film under this exemption. A charge with a view to making a profit may legitimately be levied for any other activity or event that is distinct from film admission, such as the provision of refreshments, film talks, or a social event.
- 16.24 This community film exemption is also conditional on those responsible having in place operating arrangements that ensure that the age rating for the film is implemented by means of a suitable child admission policy<sup>49</sup>. How this is achieved is a matter for the organisation or social group exhibiting the film. For example, they may operate a membership subscription scheme which pays for entry to all titles in a season and is limited to adults. It could be a children's film club with a policy of only showing films that are suitable for all by being rated 'U' by the BBFC. Alternatively, the organisers could sell tickets to the public and ensure that children are only permitted to attend in accordance with any age rating for the film – i.e. a door admissions policy linked to proof of age.

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<sup>43</sup> However, see paragraph 16.70 in relation to copyright

<sup>44</sup> See footnote 37

<sup>45</sup> See paragraph 16.23

<sup>46</sup> See footnote 36

<sup>47</sup> 'not provided with a view to profit' is the inverse of 'with a view to profit' mentioned in paragraph 16.13

<sup>48</sup> Legitimate costs of a film screening would include overheads directly relevant to providing the film entertainment (e.g. premises hire, film hire, equipment etc.)

<sup>49</sup> See 3rd bullet point in paragraph 16.22

## Travelling circuses

16.25 Where types of entertainment are present in a performance by a travelling circus<sup>50</sup> they will not be licensable provided that certain qualifying conditions are met<sup>51</sup>. The qualifying conditions are that:

- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- the entertainment takes place between 08.00 and 23.00 on the same day;
- the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- the travelling circus has not been located on the same site for more than 28 consecutive days.

## Live music

16.26 Live music is licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises<sup>52</sup>;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces<sup>53</sup>, in the presence of an audience of more than 500 people<sup>54</sup>; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review<sup>55</sup>.

16.27 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

16.28 A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

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<sup>50</sup> 'Travelling circus' is defined in the 2014 Order as meaning a circus which travels from site to site for the purpose of giving performances. Musical entertainment at a travelling fairground is likely to be incidental to the main attractions and rides that are not themselves regulated entertainment.

<sup>51</sup> There is no audience limit for this exemption, but the conditions are designed to ensure that deregulation does not have unintended consequences for the licensing objectives – e.g. only bona fide travelling circuses qualify.

<sup>52</sup> See Chapter 3 of this Guidance

<sup>53</sup> See paragraph 16.31

<sup>54</sup> The 2014 Order substituted "500" for "200" that was in the 2012 Act

<sup>55</sup> See paragraphs 16.55-16.56



16.29 As a result of the amendments to the 2003 Act, section 177 of the 2003 Act now only applies to performances of dance<sup>56</sup>.

## Key terms used in relation to live music

- 16.30 Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist<sup>57</sup> or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds<sup>58</sup>. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.
- 16.31 A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.
- 16.32 A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.<sup>59</sup>

## Recorded music

- 16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:
- where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
  - where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;<sup>60</sup>
  - where the playing of recorded music takes place at relevant licensed premises in the

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<sup>56</sup> See paragraph 2.13. Post the 2013 Order, Section 177 can be relevant to a performance of dance after 23.00 on any day

<sup>57</sup> Karaoke is generally classed as a performance of live music

<sup>58</sup> This would include ‘scratching’

<sup>59</sup> TENs are covered in chapter 7

<sup>60</sup> See Chapter 3 of this Guidance

presence of an audience of more than 500 people; and

- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).<sup>61</sup>

## Plays and dance

16.34 No licence is required for a performance of a play or dance to the extent that certain qualifying conditions<sup>62</sup> are satisfied. However a performance of a play or dance remains licensable:

- where the performance takes places before 08.00 or after 23.00 on any day; or
- where the performance takes place in the presence of an audience of more than 500 people.

## Indoor Sport

16.35 No licence is required for an indoor sporting event to the extent that certain qualifying conditions<sup>63</sup> are satisfied. However an indoor sporting event remains licensable:

- where the event takes places before 08.00 or after 23.00 on any day;
- where the event takes place in the presence of more than 1000 spectators.

## Licence conditions

### Live Music or recorded music

16.36 Any existing licence conditions<sup>64</sup> (or conditions added on a determination of an application for a premises licence or club premises certificate<sup>65</sup>) which relate to live music or recorded music remain in place, but are **suspended** between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g.

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<sup>61</sup> This would be by way of imposing a condition on a premises licence or club premises certificate as a result of a licence review, see paragraphs 16.55-16.56

<sup>62</sup> See paragraphs 16.6 and 16.45-16.48

<sup>63</sup> See paragraph 16.6.

<sup>64</sup> In relation to relevant licensed premises, see paragraph 16.32

<sup>65</sup> See paragraphs 16.39-16.40

signage asking patrons to leave quietly) will continue to have effect.

- 16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.
- 16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.
- 16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.<sup>66</sup>

## **Beer gardens**

- 16.42 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer.
- 16.43 Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace<sup>67</sup>. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people. Note that the exemption in paragraph 12B does not apply to the playing of recorded music.
- 16.44 However, a licensing authority may, where justified<sup>68</sup>, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being served by any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

## **Plays, dance and indoor sport**

- 16.45 Where qualifying conditions are satisfied<sup>69</sup>, any current licence condition that relates to a performance of a play or dance, or an indoor sporting event for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect.
- 16.46 Where, however, these non-licensable activities take place at the same time as other

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<sup>66</sup> See paragraphs 16.55-16.56 and chapter 11.

<sup>67</sup> A beer garden is one example of a potential workplace, see paragraph 16.31. Whether other outdoor spaces (such as seating adjacent to a premises, a smoking shelter, or a car park) constitute a workplace, part of the licensed premises, or neither, will be a matter of fact in each case.

<sup>68</sup> Including on a licence review

<sup>69</sup> See paragraph 16.6



activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out in paragraphs 16.52 and 16.53 (conditions relating to other non-licensable activities).

16.47 Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.<sup>70</sup>

16.48 In almost all cases where a performance of dance is potentially licensable as both the provision of **relevant** entertainment (under the 1982 Act) and **regulated** entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- the premises are not licensed as a sex entertainment venue under the 1982 Act, and
- relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

### **Boxing or wrestling entertainment and conditions relating to combined fighting sports**

16.49 An indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and any contest, exhibition or display that combines boxing or wrestling with one or more martial arts (‘combined fighting sports’) is – whether indoors or not – a boxing or wrestling entertainment.

16.50 Where a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an ‘indoor sporting event’, the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.

16.51 A contest, exhibition or display of Greco-Roman wrestling, or of freestyle wrestling, between two participants (regardless of their sex) does not require a licence provided that certain qualifying conditions are met. They are that:

- it takes place in the presence of no more than 1,000 spectators;
- it takes place between 08.00 and 23.00 on the same day; and
- it take place wholly inside a building and the spectators present at that entertainment are accommodated wholly inside that building.

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<sup>70</sup> Home Office Guidance is available at:

<http://webarchive.nationalarchives.gov.uk/20100413151441/http://crimereduction.homeoffice.gov.uk/crimereduction057a.pdf>

## Conditions relating to other non-licensable activities

- 16.52 If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the 2003 Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, could create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.
- 16.53 Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities<sup>71</sup> (and will generally be classed as a performance of live music<sup>72</sup>) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers on an ‘open-mic’ night (which encompasses more than just live music), if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor at certain times, where the presence of customers in close proximity who had been consuming alcohol on the premises had led to serious disorder. In the first instance it is for the licensing authority to satisfy itself that a particular condition is appropriate and lawful in each case.

## Removing licence conditions

- 16.54 A licence holder who wishes to remove conditions relating to activities that are no longer licensable<sup>73</sup> may apply to the licensing authority for a licence variation. In the course of considering such applications, licensing authorities should remove such conditions unless there are sufficiently serious and specific concerns about the effects of hosting deregulated entertainment activities along with the remaining licensable activities taking place in the premises.

## Licence reviews: Live and recorded music

- 16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension<sup>74</sup> and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.
- 16.56 An application for a review in relation to relevant premises can be made by a licensing

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<sup>71</sup> As a result of the 2012 Act

<sup>72</sup> Karaoke is generally classed as a ‘performance of live music’, and provided that it is genuinely taking place, it is not likely to be classed as the ‘playing of recorded music’

<sup>73</sup> A licence holder may favour removal if the previously licensable activity has “grandfather” conditions that are out of date, or unclear. Where such a condition in relation to live or recorded music is suspended, then the licence holder may wish to avoid any prospect of the condition being given renewed effect (were a suspension to be lifted following a licence review).

<sup>74</sup> See paragraph 16.38.

authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements<sup>75</sup>.

## Incidental music

- 16.57 The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is ‘incidental’ to another activity “which is not itself a description of entertainment falling within paragraph 2” of Schedule 1 to the 2003 Act.
- 16.58 The incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required, as it takes place between 08.00 and 23.00 on the same day and before an audience which does not exceed the relevant limit. This is because such an activity is no longer a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment<sup>76</sup> such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required.
- 16.59 Whether or not music is “incidental” to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:
- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
  - Is the music advertised as the main attraction?
  - Does the volume of the music disrupt or predominate over other activities, or could it be described as ‘background’ music?
- 16.60 Conversely, factors which would not normally be relevant in themselves include:
- the number of musicians, e.g. an orchestra providing incidental music at a large exhibition;
  - whether musicians are paid;
  - whether the performance is pre-arranged; and
  - whether a charge is made for admission to the premises.
- 16.61 In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether music is “incidental” in the individual circumstances of any case.

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<sup>75</sup> See Chapter 11 for more information about reviews under the 2003 Act.

<sup>76</sup> And as such, the music entertainment needs to be authorised under the 2003 Act. This would include music during a Greco-Roman or freestyle wrestling entertainment. While, depending on the circumstances, the Greco-Roman or freestyle wrestling may, or may not be licensable, it is still within the ‘description’ of a ‘wrestling entertainment’.

## Busking

- 16.62 Busking or street performance is the practice of performing in public spaces for money. Performances are not limited to music or singing and can take the form of a wide range of activities that people find entertaining.
- 16.63 Busking is generally **not** licensable under the 2003 Act as:
- it often occurs in a place that is not a premises made available (at least in part) for the purposes of providing entertainment<sup>77</sup>;
  - the entertainment is usually incidental to another activity, such as shopping or sightseeing, as there are few circumstances in which anyone would go out specifically to watch buskers; and
  - any unamplified live music is not licensable between 08.00 and 23.00<sup>78</sup>.
- 16.64 Local authorities may have policies on busking, including codes of conduct or permit regimes and occasionally byelaws and legislation specific to a local authority – although many localities have no policy or restrictions.

## Incidental film

- 16.65 An exhibition of a film within the meaning of paragraph 15 of Schedule 1 to the 2003 Act is not regulated entertainment if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act.
- 16.66 The incidental film exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required as it takes place between 08.00 and 23.00 on the same day before an audience which does not exceed the relevant limit. Such activities would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while any exhibition of moving pictures cannot be incidental to a boxing or wrestling entertainment<sup>79</sup>, such film displays may be within the scope of the incidental film exemption for an indoor sporting event or performance of a play or dance for which no licence is required.<sup>80</sup>
- 16.67 Whether or not an exhibition of moving pictures is "incidental" to another activity will depend on the facts of each case. In considering whether or not film is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of an exhibition of moving images will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. This would mean that if the BBFC or the relevant licensing authority has given an age rating to a film, video, or music video, then to qualify for the "incidental film" licensing exemption, the admission of children to the premises will need to be restricted in accordance with the appropriate age rating. But that is one aspect of one relevant factor. Other factors to consider in assessing whether film is incidental might include some or all of the following:

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<sup>77</sup> See paragraph 16.3

<sup>78</sup> See paragraph 16.28

<sup>79</sup> And as such, the film display needs to be authorised under the 2003 Act. This would include moving pictures during a Greco-Roman or freestyle wrestling entertainment. While, depending on the circumstances, the Greco-Roman or freestyle wrestling may, or may not be licensable, it is still within the 'description' of a 'wrestling entertainment'.

<sup>80</sup> For indoor sporting events, it takes place between 08.00 and 23.00 in front of an audience which does not exceed 1,000.

- Is the film the main, or one of the main, reasons for people attending the premises and being charged?
- Is the film advertised as the main attraction?
- Does the screening of the film predominate over other activities, or could it be described as 'background' images?
- Does the appearance of moving pictures within another entertainment activity, for which no licence is required (e.g. a performance of a play or dance<sup>81</sup>), undermine the promotion of the licensing objectives?

16.68 In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether film is "incidental" in the individual circumstances of any case.

## Entertainment activity provided as part of childcare

16.69 Entertainment activity that is provided as part of childcare will generally not be licensable. This includes entertainment activity in a nursery or private home. In addition, paragraph 5 of Schedule 1 to the 2003 Act includes a licensing exemption for an exhibition of a film where the main purpose is to provide education. Education will generally include all forms of pre-school child and day care. Furthermore, an exhibition of a film, or the playing of live or recorded music, will generally be incidental to the activity of childcare and so the incidental music and film exemption in paragraph 7 of Schedule 1 will also apply<sup>82</sup>. This will generally be the case for any entertainment activity organised as part of wraparound childcare<sup>83</sup>, including breakfast clubs, after school clubs or holiday clubs linked to the child's school or based in the local community.

## Other Licensing regimes

### Copyright

16.70 The deregulation of licensing for the provision of entertainment under the 2003 Act does not remove the requirement for licences for the use of copyright works. Entertainment activities as described in paragraph 16.2 may require music and screening licences for example. The acquisition of such licences will make the entertainment compliant with the Copyright, Designs and Patents Act 1988.<sup>84</sup>

### Leafleting

16.71 The deregulation of entertainment licensing does not remove the prohibition on the unauthorised distribution of free printed matter in an area that has been designated under Schedule 3A of the Environmental Protection Act 1990<sup>85</sup>. The organisers of the event or entertainment may need to obtain consent from the relevant principal litter authority before giving out free printed promotional material (leaflets, flyers, cards etc.) in a public place in certain areas.

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<sup>81</sup> See paragraph 16.34

<sup>82</sup> See paragraphs 16.57-16.68

<sup>83</sup> Childcare for school aged children around traditional school hours

<sup>84</sup> Further information concerning how to acquire such licences can be found on <http://www.copyrightthub.co.uk>

<sup>85</sup> <http://www.legislation.gov.uk/ukpga/1990/43/schedule/3A>

## Child performers

16.72 Child performance legislation<sup>86</sup> requires that a licence must be obtained from a child's home local authority before a child can take part in certain types of performance and activities. A licence may be required whether or not any payment is made for the child to perform. The deregulation of entertainment licensing does not alter the regulations on when children can take part in performances<sup>87</sup>.

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<sup>86</sup> Children and Young Persons Act 1993 and 1963; The Children (Performance) Regulations 1968 as amended.

<sup>87</sup> The Children (Performances) Regulations 1968



# 17. Early morning alcohol restriction orders

## General

- 17.1 This chapter provides guidance to licensing authorities about Early Morning Alcohol Restriction Orders (“EMROs”). The power conferred on licensing authorities to make, vary or revoke an EMRO (or propose to take any of these steps) is set out in sections 172A to 172E of the 2003 Act. The exercise of the licensing authority’s functions may be delegated by its committee to a sub-committee, other than the decision to make, vary or revoke an EMRO (which is exercised by its full council). This power 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.
- 17.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 17.3 An EMRO:
- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
  - applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
  - applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
  - applies to the whole or any part of the licensing authority’s area;
  - will not apply to any premises on New Year’s Eve (defined as 12am to 6am on 1 January each year);
  - will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through mini-bars and/or room service; and
  - will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the 2003 Act.

## The EMRO process

- 17.4 An EMRO can apply to the whole or part of the licensing authority’s area. The area may, for example, comprise a single floor of a shopping complex or exclude premises which have clearly demonstrated to the licensing authority that the licensable activities carried on there do not contribute to the problems which form the basis for the proposed EMRO.
- 17.5 If the licensing authority already has a Cumulative Impact Policy (“CIP”) in its Licensing Policy Statement (see Chapter 14 of this Guidance), it should consider the relationship between the CIP and proposed EMRO area, and the potential overall impact on its local licensing policy.

17.6 Introducing an EMRO is a licensing function. Therefore, this is not the responsibility of a council's executive. The final decision to make an EMRO (or to vary or revoke one) must be made by the full council of the licensing authority. Any preceding steps, including advertising the proposed EMRO, holding hearings and making a determination to put before the full council for its final decision, are for the licensing committee of the licensing authority. The licensing committee may delegate these steps to the licensing sub-committee or officers as it sees fit.

## Evidence

17.7 When establishing its evidence base for making an EMRO, a licensing authority<sup>88</sup> may wish to consider the approach set out in paragraphs 14.24 to 14.28 of this Guidance which includes indicative types of evidence, although this should not be considered an exhaustive list of the types of evidence which may be relevant. These matters are not necessarily determinative. They include but are not necessarily limited to:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots, statistics on local anti-social behaviour offences,
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- capacities of different premises at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

17.8 Before a licensing authority makes a determination to recommend to the full council that it makes a proposed EMRO, it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on their experience from other licensing decisions they make under the 2003 Act, such as the determination of applications for the grant of premises licences. The licensing authority should consider evidence from partners, including from responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

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<sup>88</sup> The final decision to make an EMRO (or to vary or revoke one) must be made by the full council of the licensing authority. However, all preceding steps, including advertising the proposed EMRO, holding hearings and making a determination to put before the full council for its final decision, are for the licensing committee of the licensing authority. The licensing committee may delegate these steps to the licensing sub-committee or officers as it sees fit.



## Introducing an EMRO

17.9 An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the times at which the EMRO applies. The licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO. As set out in paragraphs 9.42-9.44 of this Guidance, when determining whether a step is appropriate to promote the licensing objectives, a licensing authority is not required to decide that no lesser step will achieve the aim. They should, however, consider whether taking that step is reasonable, justified and proportionate. The introduction of an EMRO may have far-reaching, wider impacts on the socio-economic circumstances in an area. In considering whether the introduction of an EMRO is an appropriate step to promote the licensing objectives, based on whether this is reasonable, justified and proportionate, a licensing authority may hold informal discussions early in the process with a range of interested partners; these include, but are not limited to, premises that may be affected by the introduction of the EMRO. Other measures that could be taken instead of making an EMRO might include:

- working in partnership with licensed premises on voluntary measures and encouraging the creation of business-led best practice schemes in the area;
- reviewing licences of specific problem premises;
- introducing a CIP;
- use of the new closure power in the Anti-social Behaviour, Crime and Policing Act 2014 which replaces section 161 of the 2003 Licensing Act. This new closure power can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. Further guidance on this power can be found on the gov.uk website, under the Anti-social Behaviour, Crime and Policing Act: anti-social behaviour guidance;
- use of other mechanisms such as those set out in paragraph 14.40 of this Guidance

17.10 If the licensing authority has identified a problem in a specific area attributable to the supply of alcohol at two or more premises in that area, and has sufficient evidence to demonstrate that it is appropriate for the promotion of the licensing objectives, it can propose making an EMRO. The licensing authority should first decide on the matters which must be the subject of the proposal. These are:

- the days (and periods on those days) on which the EMRO would apply;
- the area to which the EMRO would apply;
- the period for which the EMRO would apply (if it is a finite period); and
- the date from which the proposed EMRO would apply.

In relation to the date when it plans to introduce the EMRO, the licensing authority should note that this may change when it is specified in the final order without the need to formally consult on the new date (as if it was a new proposal), provided it does not adversely affect any person as described in paragraph 17.21.

## Advertising an EMRO

- 17.11 The proposed EMRO must be advertised. The licensing authority should include a short summary of the evidence and the manner in which representations can be made in the document, as well as the details of the proposed EMRO. The proposal must be advertised for at least 42 days (a reference in this Chapter to a period of “days” means a period comprising calendar days and not only working days). The licensing authority must publish the proposal on its website and in a local newspaper. If no newspaper exists, it must be published in a local newsletter, circular or similar document. The licensing authority must also send a notice of the proposal to all affected people in its area. They are:
- holders of (and applicants for) premises licences or club premises certificates to which the proposed EMRO would apply;
  - premises users in relation to TENs to which the proposed EMRO would apply;
  - those who have received a provisional statement in respect of a premises to which the proposed EMRO would apply.
- 17.12 Licensing authorities must, moreover, display a notice of the proposal in the area to which the EMRO would apply, in a manner which is likely to bring the proposal to the attention of those who may have an interest in it.
- 17.13 The licensing authority should also inform responsible authorities in its area and neighbouring licensing authorities of its proposal to make an EMRO. It may also like to consider what further steps could be taken, in any particular case, to publicise the proposal in order to draw it to the wider attention of any other persons who are likely to have an interest in it.

## Representations

- 17.14 Those who are affected by a proposed EMRO, responsible authorities or any other person have 42 days (starting on the day after the day on which the proposed EMRO is advertised) to make relevant representations. To be considered a relevant representation, a representation must:
- be about the likely effect of the making of the EMRO on the promotion of the licensing objectives;
  - be made in writing in the prescribed form and manner, setting out the EMRO to which it relates and the nature of the representation;
  - be received within the deadline; and
  - if made by a person other than a responsible authority, not be frivolous or vexatious.
- Chapter 9 of this Guidance gives further advice on determining whether a representation is frivolous or vexatious. Representations can be made in relation to any aspect of the proposed EMRO. If a licensing authority decides that a representation is not relevant, it should consider informing the person who has made that representation.
- 17.15 Responsible authorities may wish to make representations, as may affected persons (as set out in the above paragraph).
- 17.16 Others may also wish to make representations about the proposed EMRO. These persons could include, but are not limited to:

- residents;
- employees of affected businesses;
- owners and employees of businesses outside the proposed EMRO area; and
- users of the late night economy.

## Hearings

17.17 If a relevant representation or representations are received, the licensing authority must hold a hearing to consider them (unless the authority and anyone who has made representations agree that this is unnecessary). The licensing authority should consider, based on the number of relevant representations received by it and any other circumstances it considers appropriate, whether to hold the hearing over several days, which could be arranged to take place other than on consecutive working days.

17.18 As described in paragraph 17.6, a hearing to consider representations in relation to an EMRO may be held by the licensing committee, the licensing sub-committee or an officer of the licensing authority. It is recommended, however, that such hearings be conducted by the licensing committee or sub-committee.

17.19 Licensing committees or sub-committees<sup>89</sup> should be familiar with the hearing process as it has similarities with other processes under the 2003 Act. Further guidance on hearings can be found in Chapter 9 of this Guidance (paragraphs 9.31 to 9.41). However, licensing authorities should note the following key points in relation to a hearing about a proposed EMRO:

- the hearing must be commenced within 30 working days, beginning with the day after the end of the period during which representations may be made;
- the hearing does not have to take place on consecutive working days, if an authority considers this to be necessary to enable it to consider any of the representations made by a party or if it considers this approach to be in the public interest;
- a licensing committee or sub-committee must make its determination within 10 working days of the conclusion of the hearing;
- the licensing committee or sub-committee is not required to notify those making representations of its determination; and
- the licensing authority may give notices in relation to a hearing by electronic means provided it is satisfied that the text of the notice is capable of being accessed by the recipient, it is legible in all material respects and is capable of being reproduced in written form (e.g. printed by the recipient).

17.20 The licensing committee or sub-committee will determine the manner in which the hearing will be conducted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. If a licensing committee or sub-committee determines that a representation is frivolous or vexatious, it must notify in writing the person who made the representation.

17.21 As a result of the hearing, the licensing committee or sub-committee has three options:

- to determine that the proposed EMRO is appropriate for promotion of the licensing

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<sup>89</sup> This could also be done by a licensing officer, however, it is recommended that representations in relation to an EMRO are conducted by the licensing committee or sub-committee.

objectives;

- to determine that the proposed EMRO is not appropriate for the promotion of the objectives and therefore that the process should be ended;
- to determine that the proposed EMRO should be modified.

In the final case, if the authority proposes that the modified EMRO should differ from the initial proposal in relation to the area specified, any day not in the initial proposal or the period of any day specified, the authority should advertise what is in effect a new proposal to make an EMRO in the manner described above, so that further representations may be made. However, there will be cases in which it may be possible to modify the terms of a proposed EMRO without being required to formally consult. This may arise where the modified terms would not have a more adverse effect on any person (primarily, if not solely, licensed premises which will be subject of the EMRO) than the EMRO in the terms in which it was originally proposed. Such cases may include the following:

- the modification may shorten the period during which the EMRO would apply or reduce the number of days on which it applies, provided these periods were a part of the original proposal. For example, a change to an EMRO applying on Fridays and Saturdays to just applying on Saturdays may not require re advertisement and consultation of the EMRO design, whereas changing the days the EMRO applies on from Fridays and Saturdays to just Thursdays might reasonably be expected to require further consultation;
- the date on which the EMRO commences is later than that described in the original proposal;

Licensing authorities should consider very carefully in each case (including in relation to legality) whether further consultation on a proposed modification to the EMRO is necessary.

## Final EMRO

- 17.22 If the licensing authority determines that the proposed EMRO is appropriate for the promotion of the licensing objectives, its determination must be put to the full council for its final decision. There is no time specified in legislation by which the full council must make this decision. This is intended to reflect the fact that the licensing authority may only meet in full council infrequently.
- 17.23 The matters set out in the final order must be no different from the matters set out in the proposal to make the order, subject to the caveat described above in paragraph 17.21. The order must be set out in the prescribed form and contain the prescribed content.
- 17.24 No later than 7 days after the day on which the EMRO is made, the licensing authority must send a notice to all affected persons of the EMRO, and make the order available for at least 28 days on its website and by displaying a notice in the EMRO area. A licensing authority should retain details of the EMRO on its website for as long as the EMRO is in force. It is recommended that the licensing authority advises neighbouring licensing authorities and the Secretary of State that the order has been made, the nature of the order and when (and for how long) it will take effect.
- 17.25 The licensing authority should monitor the effectiveness of the EMRO to ensure it continues to be appropriate for the promotion of the licensing objectives and periodically

review whether it is appropriate to continue to apply it. The licensing authority should consider setting out its policy in relation to reviewing EMROs (if any) in its statement of licensing policy.

- 17.26 The variation or revocation of an order requires the licensing authority to undertake the same process as that which applied on its introduction; that is after gathering the appropriate evidence, it advertises its new EMRO proposal, following the process set out above so that those affected and anyone else can make representations.
- 17.27 If an order applies for a finite period, the order will cease to apply on its last day. If the licensing authority wishes to introduce a further (new) EMRO, it must follow the full process for proposing a new EMRO.
- 17.28 Licensing authorities should update their statement of licensing policy (in accordance with section 5 of the 2003 Act) to include reference to the EMRO as soon as reasonably possible.

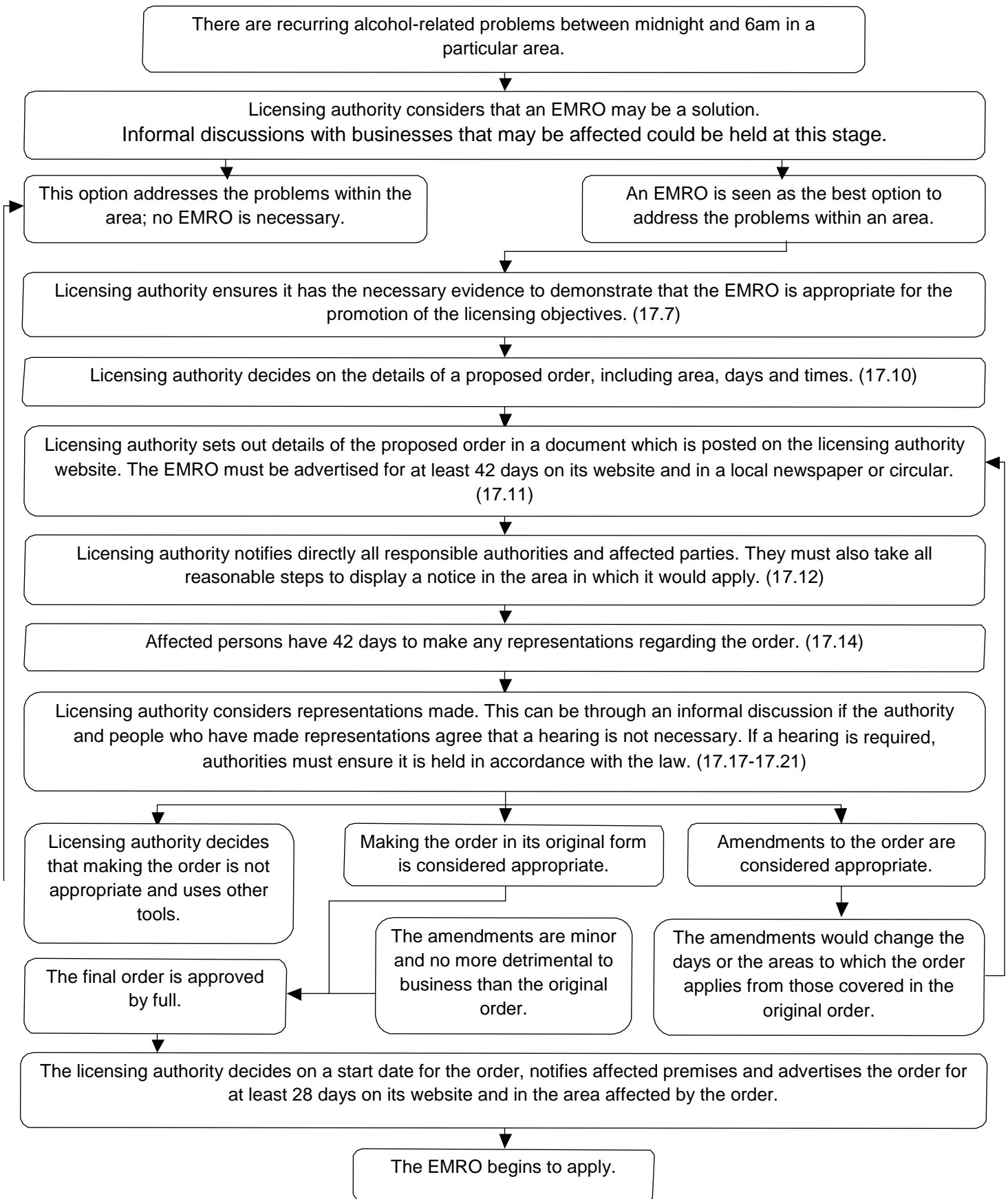
## **Exceptions to an EMRO**

- 17.29 EMROs will not apply on New Year's Eve in recognition of its status as a national celebration. The supply of alcohol to residents through mini-bars and room service in premises with overnight accommodation will also not be subject to an EMRO.

## **Enforcement of EMROs**

- 17.30 The sale or supply of alcohol in contravention of an EMRO is an 'unauthorised licensable activity' which is an offence under section 136 of the 2003 Act. Moreover, it may result in a closure notice being served on the premises under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014 as a precursor to an application for a closure order under section 80 of that Act (which requires the constable or authority that issued the notice to apply to a magistrates' court not later than 48 hours after the service of the closure notice). This may alternatively, result in the licence being reviewed on crime prevention grounds. Further information on reviews can be found in Chapter 11 of this Guidance.
- 17.31 An EMRO overrides all authorisations to supply alcohol under the 2003 Act (including temporary event notices). It is immaterial whether an authorisation was granted before or after an EMRO was made as there are no authorisations that have the effect of authorising the sale of alcohol during the EMRO period, with the only exception being a licensing hours order made under section 172 of the 2003 Act.

# EMRO Process Flowchart





## Annex A – documents which demonstrate entitlement to work in the UK

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They can do this by providing with their application, copies or scanned copies of the documents listed below (which do not need to be certified). The documents that demonstrate an entitlement to work in the licensing regime are based on existing prescribed document lists for checks undertaken by employers. They are set out in the following regulations: The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity .
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity. **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - a) working e.g. employment contract, wage slips, letter from the employer,
    - b) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - c) studying e.g. letter from the school, college or university and evidence of sufficient



funds, or

d) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- any page containing the holder's personal details including nationality;
- any page containing the holder's photograph;
- any page containing the holder's signature;
- any page containing the date of expiry; and
- any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

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## **Covid-19 Restrictions for Licenced Premises**

### **21 March 2020**

Requiring all restaurants and cafes not to sell food or drink for consuming on the premises and any part of the premises, or part of the premises, in which food or drink are sold for consumption on such premises must be closed.

### **27 March 2020**

Confirmed food delivery and takeaway can remain operational.

### **04 July 2020**

Full reopening of restaurants but table service only.

### **24 September 2020**

10pm closures for pubs and restaurants.

### **23 October 2020**

Manchester in Tier 3, Pubs and restaurants must close unless they serve alcohol only as part of a main meal. The meal must be eaten while seated at a table (not at a serving counter). Still close at 10pm.

### **05 November 2020**

National 'circuit breaker' lockdown, hospitality apart from takeaway must close.

### **02 December 2020**

National lockdown ends, tiers again, Manchester in Tier 4, hospitality same as 05 November 2020.

### **12 April 2021**

Outdoor hospitality venues, including pub gardens, are allowed to open for outdoor sales only, with a maximum of 6 people per party from a maximum of two households.

### **17 May 2021**

Pubs and restaurants open inside.

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