

## APPENDIX B

### LICENSING POLICY REVIEW – SCHEDULE OF AMENDMENTS

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

## APPENDIX B

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REPRESENTATIONS 5.1 -5.5	Detail on who can make representations replacing outdated guidance.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

## APPENDIX B

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

## APPENDIX B

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

## APPENDIX B

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

## APPENDIX B

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

## APPENDIX B

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

## APPENDIX B

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



## APPENDIX B

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

## APPENDIX B

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

## APPENDIX B

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

## APPENDIX B

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