

Licensing Act Policy 2011 - 2014

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1. INTRODUCTION

- 1.1 This Licensing Policy statement sets out the manner in which Oldham Council (the 'Licensing Authority') will consider applications for licences as required by the Licensing Act 2003 ('The Act'). The Licensing Authority wishes to encourage the provision of a wide range of entertainment activities by licensed premises throughout their opening hours and to promote live music, dance, theatre, etc for the wider cultural benefit of the community.
- 1.2 The Council has a number of different functions under the Act, including acting as both the Licensing Authority and a number of different responsible bodies. For this reason, the Licensing Policy refers to the Council as the Licensing Authority and individual responsible bodies by their directorate name notwithstanding they are also parts of the same Council.
- 1.3 The Authority's policy relates to all licensing activities falling within the provisions of the Act, namely:
- a) Retail sale of alcohol (including for consumption on or off premises, with or without food);
 - b) Supply of alcohol to club members;
 - c) Provision of regulated entertainment to the public, club members or with a view to profit;
 - d) A performance of a play;
 - e) Exhibition of a film;
 - f) Indoor sporting event;
 - g) A boxing or wrestling entertainment;
 - h) Performance of live music; playing of recorded music;
 - i) Performance of dance;
 - j) Provision of facilities for dancing;
 - k) Provision of facilities for making music; and
 - l) The supply of hot food and/or drink from any premises between 11:00pm and 5am.
- 1.4 This policy takes into account guidelines issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003.
- 1.5 The policy supports Oldham Council's Corporate Objectives of:
- a) a Confident Place, with safe neighbourhoods and clean, green spaces for all to enjoy.
 - b) a University town, with good education, learning and training to improve the skills and choices of our citizens.
 - c) an address of choice, a healthy and active place, with suitable housing for all.
 - d) services of choice, quality of services that provide value for citizens.
- 1.6 This policy will come into force on 6th January 2011 and remain in force for a period of three years. It can be reviewed both during that period and at the end of the period, with any changes being subject to statutory consultation.
- 1.7 The interpretation of words and phrases in this Policy has the same meaning as those in the Act or in Guidance issued under section 182 of the Act.

2. THE BOROUGH OF OLDHAM

- 2.1 Oldham is situated to the North East of Manchester and covers 56 square miles. About one third of the Borough consists of the major conurbation of Oldham Town, where the majority of the 218,000 residents of the Borough reside. Another third of the Borough consists of moorland, which is largely uninhabited. The final third consists of small rural towns and villages.
- 2.2 There is a wide range of retail facilities available to residents and visitors providing employment for approximately 20,000 people. There are four main shopping areas comprising Oldham Town Centre, Shaw Town Centre, Royton Town Centre and Uppermill Village.
- 2.3 Oldham also offers a wide range of sports and leisure facilities including seven leisure centres, two art centres, five theatres and three museums.
- 2.4 Some 850 commercial outlets now offer licensable activities identified in the new Act. These include approximately 200 off licences, 410 on licences, 60 registered clubs, 80 public entertainment establishments and 100 late night refreshment houses.
- 2.5 The Borough has a population of 217,273 (2001 census) which is comprised of the following:

Under 16's -	49,973 (23%)
16 – 19 year olds -	11,298 (5.2%)
20 – 29 year olds -	25,638 (11.2%)
30 – 59 year olds -	88,647 (40.8%)
60 – 74 year olds -	27,159 (12.5%)
Over 75's -	14,775 (6.8%)

3. THE LICENSING OBJECTIVES

- 3.1 These are:
- a) the Prevention of crime and disorder
 - b) Public safety
 - c) the Prevention of public nuisance; and
 - d) the Protection of children from harm
- 3.2 The Licensing Objectives are fixed by the Act and cannot be altered. Each of these objectives is considered to be of equal importance for the purposes of this policy.

4. CONSULTATION

- 4.1 Consultation on this proposed Policy took place between August 2010 and September 2010.

5. POLICY STATEMENT

- 5.1 Every application considered by the Authority under this policy, will be considered on its merits and regard is given to the Licensing Act 2003 and guidance under Section 182 of the Act and any supporting regulations. Nothing in this policy will undermine any person from applying for a variety of permissions under the Act.

- 5.2 The Authority maintains that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act, and that conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises.
- 5.3 The Authority recognises that any breaches of conditions attached to operating schedules automatically become criminal offences under section 136 of the Act and could lead to imprisonment for up to six months and/or a £20,000 fine for non-compliance. The penalties are high because such action could involve putting public safety at serious risk and particular care needs to be taken in both the decision to impose conditions and how they may be framed.
- 5.4 The Authority will operate from a pool of conditions, most of which will not be relevant to most premises, but it will enable some clarity and consistency to be developed on conditions. This is not and must not be taken as a “checklist” of appropriate conditions and if an applicant determines that any of the pool of conditions are not relevant and there are no relevant representations received, the licence will be granted without those conditions being attached. There is also nothing to stop an applicant framing their own conditions for consideration by the Authority and not using those from the pool of conditions. The Authority will be fair and vigilant in considering all applications.
- 5.5 The Authority is committed to ensuring the highest levels of customer service for applicants, responsible bodies and interested parties. Our officers will always seek to assist licence applicants in completing applications and considering relevant conditions – particularly with a view to accommodating likely representations from residents and responsible bodies. This is an important part of building and enhancing the partnership between the Licensing Authority and the licensed trade and providing useful advice and assistance. Notwithstanding this advice, it will be a matter for the applicant to decide what conditions to volunteer and for responsible bodies and interested parties to seek additional conditions where appropriate to promote the licensing objectives.
- 5.6 In general, the licensing process will take the following form:
- a) The applicant addresses the licensing objectives through completion of the Operating Schedule;
 - b) of necessary and/or appropriate, the applicant ‘volunteers’ conditions through the Operating Schedule;
 - c) If a responsible body or an interested party feels that a particular licensing objective is not adequately addressed through the ‘Operating Schedule’ then it may make relevant representations to that effect;
 - d) If no relevant representations are made, then the application must be granted and the only conditions which can appear on the premises licence are those which have been volunteered by the applicant through the Operating Schedule and the mandatory conditions in sections 19-21 of the Act;
 - e) Only if relevant representations are made is the Licensing Authority’s discretion engaged to enable them to impose additional conditions which must, of course, be necessary to promote the licensing objectives, be proportionate and address the other general principles set out in the Act, the Secretary of State’s Guidance and this Policy.

- 5.7 This policy has regard to the Authority's duties under section 17 of the Crime and Disorder Act 1998. (Duty to do all it reasonably can to exercise its functions with due regard to the likely effect on crime and disorder and the need to prevent it.)
- 5.8 In undertaking its licensing functions, the Authority will ensure that at all times it pays due regard to its obligations under the Race Relations (Amendment) Act 2000 to:
- a) Eliminate unlawful racial discrimination;
 - b) Promote equality of opportunity; and
 - c) Promote good relations between persons of different racial groups.

6. OPENING HOURS

- 6.1 The Authority will deal with licensing hours on the merits of each individual application. No application to transfer an existing licence will result in a reduction of licensed hours.
- 6.2 The Authority recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce friction at late night fast food outlets, taxi ranks and other sources of transport, which leads to disorder and disturbance.
- 6.3 The Authority is keen to promote a safe, thriving and diverse night-time economy, both within Oldham Town Centre and elsewhere in the Borough. Should opening hours compromise any of the licensing objectives then responsible bodies or interested parties are entitled to lodge a review application.
- 6.4 Appropriately licensed shops, stores and supermarkets will normally be permitted to sell alcohol during their normal trading hours, for consumption off premises, where consistent with the Authority's 'licensing objectives'.
- 6.5 Where relevant representations are received, limitations may be imposed, for example in the case of specific premises known to be a focus of disorder and disturbance late at night.
- 6.6 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods (11:30pm-7:00am).
- 6.7 The Authority requests that any applicants in respect of premises supplying take-away food, who also wish to supply alcohol for consumption off the premises between the hours of 11.00pm and 5.00am, pay particular attention in their Operating Schedules to crime and disorder and public nuisance caused by patrons leaving the premises.

7. CUMULATIVE IMPACT

- 7.1 The Authority may refuse applications for premises licences where representations are received from a Responsible Authority or interested party that the issue of a licence may, due to a concentration of premises in an area, result in exceptional problems for that area to the detriment of the Authority's licensing objectives. In such

cases, the Authority may adopt a Special Saturation Policy in accordance with the provisions of the Act.

- 7.2 The Authority recognises that saturation policies can curtail expansion of supply in certain areas, but can also have the effect of removing improvement pressures from increased competition on poorly performing businesses. The Authority also recognises that a saturation policy could apply to a particular type of premises (such as off licences) and that any interested party or responsible body is entitled to make representations on the cumulative impact of a new application notwithstanding that a saturation policy is not in place.
- 7.3 It is for any person making such representations to provide evidence to the Authority that the addition of the premises concerned would cause the cumulative impact claimed. When considering such representations, the Authority will:-
- a) identify any serious and chronic concern;
 - b) identify the area from which problems are arising and the boundaries of that area;
 - c) make an assessment of the causes;
 - d) consider adopting a policy about future licence applications from that area.
- 7.4 In the event of determining a Cumulative Impact Policy, the Authority will continue to consider each application for a licence on its merits and may decide that a particular application would not add significantly to the cumulative impact and grant an application notwithstanding a Special Saturation Policy being in place.
- 7.5 The Authority recognises that the assessment of commercial need is a matter for market forces and not a matter for licensing controls. However, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Authority to consider.

8. CONSUMPTION OF ALCOHOL IN PUBLIC PLACES

- 8.1 The Authority has adopted powers to designate parts of its area as places where alcohol may not be consumed publicly. The Authority will keep designated areas under review. Currently, the Authority has designated most of the Oldham Town Centre area and the Failsworth and Hollinwood areas as places where alcohol may not be consumed publicly.
- 8.2 In considering licence applications and reviews, the Authority will have regard to the impact of licensed premises on the observance of the designated area controls. This is likely to be particularly relevant to sales of alcohol in open containers for consumption off the premises and unauthorised removal of alcohol in open containers, which have been supplied for consumption on premises.

9. CHILDREN

- 9.1 The Authority recognises the wide variety of premises for which licences may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on licensed premises and seeks to encourage their access to constructive leisure pursuits, which support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the prevention of harm.
- 9.2 When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities),

which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's Operating Schedule.

- 9.3 The Authority will not impose conditions, which restrict or prevent access by children unless this is necessary to promote the 'licensing objectives'.
- 9.4 In determining a 'specified cut-off time', the Authority will take into account:
- a) the concerns of responsible authorities and interested persons who have made representations;
 - b) the steps set out in an operating schedule which the licensee will take to protect children from harm on such premises; and
 - c) the type of event for which no age restriction may be needed e.g family entertainment; non alcohol events.
- 9.5 In respect of all licensed premises where alcohol is usually supplied for consumption on the premises and in the light of relevant representations being received, very careful consideration will be given by the Authority before permitting children under 16 years unaccompanied by an adult, to be or remain on the premises after 9:00pm even when there are no supplies of alcohol taking place (such as 'teen discos' etc). This is intended as an upper limit and does not imply that this limit will be permitted for all relevant applications. In any event each case will be dealt with on its own merits.
- 9.6 There will be a strong presumption against access by persons under 18 to premises where any of the following apply:
- a) convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;
 - b) a known association with, or inadequate arrangements to deter, drug taking or dealing;
 - c) a strong element of gambling on the premises;
 - d) entertainment of an adult or sexual nature is provided;
 - e) inadequate arrangements to protect children from supply and use of other products which it is illegal to supply to children or the harmful effects of passive smoking; or
 - f) in the opinion of the Authority, there are inadequate controls on the times during which children may be present on the premises;
- 9.7 The Authority's options would include, *among other things*:
- a) Limitations on the hours when children may be present;
 - b) Age limitations below 18;
 - c) Limitations or exclusions when certain activities are taking place;
 - d) Access limited to parts of the premises;
 - e) Requirements for accompanying adults; and
 - f) Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 9.8 No conditions will be imposed to the effect that children must be admitted to licensed premises.

- 9.9 In certain premises where existing legislation does not provide adequately for the protection of children from harm, consideration might also be given to conditions that deal with:
- a) the prevention of unlawful supply, consumption and use of alcohol and drugs and any other products that it is illegal to supply to children; and
 - b) premises restrictions on the access by children to the whole or any part of the premises, including times when children may not be present;
- 9.10 Under the Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Authority following relevant representations made by responsible authorities and interested parties, will consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. These could include:
- a) the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
 - b) types of event or activity in respect of which no age restrictions may be needed, for example family entertainment or non-alcohol events for young age groups, such as under 18s dances; and/or
 - c) Similarly, types of event or activity, which give rise to a more acute need for age restrictions than normal, for example; during “Happy Hours” or on drinks promotion nights.
- 9.11 Proof of age cards are relevant to both the prevention of crime and disorder and the protection of children from harm. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement will not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo-driving licences and passports.
- 9.12 The Authority strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports.
- 9.13 Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times.
- 9.14 Challenge 25 builds on the highly successful Challenge 21 campaign developed by the Retail of Alcohol Standards Group in 2005. Challenge 21 proved an effective tool to tackle underage purchase and research has demonstrated that 90% of 18 – 24 year olds are aware of the Challenge 21 scheme. However, with levels of sales to minors still not low enough and the personal consequences of illegal sales for members of shop staff more severe, retailers’ employees requested a program which gives them greater backing and a higher margin of error in challenging customers for proof of age as such the Challenge 25 Scheme was introduced.

- 9.15 The Authority strongly supports the use of a ‘Challenge 25’ policy for all premises that supply alcohol.

Children and Entertainment

- 9.14 The Authority will impose conditions in accordance with section 20 of the Act to prevent the viewing of films by children below the age of any restriction for that film as classified according to the recommendations of the British Board of Film Classification (BBFC) or the Authority, as the case may be.

- 9.15 The Authority considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by BBFC or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a) a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- b) a condition that when films are classified, by either the BBFC or the licensing authority, they should be classified in the following way:

- Uc – Universal. Particularly suitable for children.
- U – Universal. Suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.
- 18R – Unsuitable for public venues, only to be shown in licensed sex establishments

- a) that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- b) a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

- 9.16 Where entertainment aimed specifically at children takes place, the licensee must take all reasonable steps to maintain the safety of the children on the premises. The licensee must ensure that there are sufficient adult supervisors, with sufficient experience, in place to provide an adequate level of safety bearing in mind the number and ages of the children involved and any other issues such as disabilities that the children may have.
- 9.17 The admission of children to theatres, as with other licensed premises, will not normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play will be left to the discretion of the licence holder and no condition restricting the access of children to plays will be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).
- 9.18 The Authority will also consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Annex F of the Secretary of State's Guidelines).
- 9.19 Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof. The Authority will have regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.
- 9.20 There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. The Licensing Authority will not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the Licensing Authority will consider the matters outlined below:-
- a) venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance;
 - b) fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children;

- c) special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children;
- d) care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

10. LIVE MUSIC, DANCING AND THEATRE

- 10.1 The Authority recognises that as part of implementing any cultural strategy as may from time to time apply, proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.
- 10.2 The Authority will keep the impact its policy is having on the promotion of live music, dancing, theatre, carnival events, children's entertainment and performance artists under constant review.
- 10.3 A number of public spaces with in the Borough have been granted a licence for, amongst other things, the provisions of regulated entertainment. For a list of these spaces please see the Councils website www.oldham.gov.uk
- 10.4 The provision of music and dancing in a venue is a specialist function placing additional demands on staff and management. Dance floors may be a potential flashpoint for violence and disorder and should, therefore, be properly risk assessed to ensure a safe environment. The Authority will expect that these concerns are addressed in Operating Schedules so that the responsible bodies can make informed judgements on the adequacy of proposed arrangements for dance floors.

11. EVENT NOTIFICATION

- 11.1 Where events are held that will accommodate over 500 patrons the Authority asks that an event notification form be completed. This notification will enable the Authority and Partnering agencies to offer their expertise and support to the event organiser.
- 11.2 Event notification forms can be obtained from the Licensing Offices or online at www.oldham.gov.uk and should be submitted at least 6 weeks prior to the event taking place.

12. DRUGS

- 12.1 In light of relevant representations received, special conditions may be imposed for certain types of venues to prevent the sale and consumption of drugs and to create a safer environment for those who may have taken them. In all cases where these conditions are to be imposed, advice will be taken from the Oldham Drug and Alcohol Action Team and the Police.
- 12.2 The Authority may also impose special conditions for certain types of venue relating to access for customers to drug testing kits, particularly for the prevention of drug

assisted sexual assault. In all cases where these conditions are to be imposed, advice will be taken from the Oldham Drug and Alcohol Action Team and the Police.

- 12.3 The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways, which maximize the safety of customers, performers and staff. Any conditions relating to these types of venues will take into account the "Safer Clubbing" guidelines issued by the Home Office and annexes J and K of the guidance issued under section 182 of the Licensing Act 2003.
- 12.4 Key activities of club owners, managers and event promoters include:-
- a) Communicating all safety requirements clearly to performers ensuring that they are familiar with and understand the safety requirements for the venue;
 - b) Developing a constructive working relationship with licensing authority officers and police officers with licensing responsibilities;
 - c) Developing a venue drug policy in consultation with licensing and police officers;
 - d) Ensuring that all staff are aware of their responsibilities within the drug policy and that they receive training and support to discharge these fully;
 - e) Employing door supervisors from a reputable company and with Security Industry Authority accreditation;
 - f) Employing experienced and fully trained first aiders;
 - g) Providing free and easily accessible supplies of cold water and ensuring the provision of water is supervised to prevent contamination of water by others;
 - h) Liaising with appropriate drug service personnel to provide training to staff, and information, advice and support to clubbers;
 - i) Considering inviting and supporting drug outreach work, including integrating outreach workers into the staff team;
 - j) Sharing intelligence on drug use and drug dealing with police officers and other local venues;
 - k) Informing clubbers of their rights and responsibilities, and encouraging feedback on safety issues;
 - l) Considering the provision of safe transport home;
 - m) Ensuring that all staff are aware of the law and the responsibilities of the club to work within it.

13. CRIME AND DISORDER

- 13.1 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.
- 13.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.
- 13.3 When applicants for premises licences or club premises certificates are preparing their Operating Schedules or club Operating Schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options will be considered as measures which, if necessary, would promote the prevention of crime and disorder.
- 13.4 Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of

the premises and the anticipated clientele of the business involved. It is noted that many club premises operate under codes of discipline to ensure the good order and behaviour of members.

- 13.5 Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.
- 13.6 Any individual preparing an Operating Schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.
- 13.7 In certain premises where existing legislation does not provide adequately for the reduction of crime and disorder or the safety of the public or club members and guests, consideration may also be given to conditions that deal with:
- a) crime prevention design, including adequate lighting and supervision of car parks;
 - b) door supervision, including arrangements for screening for weapons and drugs;
 - c) other measures to control violent, drunken or abusive behaviour (including exclusion of troublemakers; refusal to sell to those who are or appear to be drunk or under age; use of toughened or plastic glasses);
 - d) the removal from the premises of drinking vessels and bottles;
 - e) drug dealing or abuse;
 - f) prostitution or indecency;
 - g) discouraging drinking in public places in the vicinity of the premises; and
 - h) discouraging the handling and distribution of stolen, counterfeit non-duty paid or other illegal goods.
- 13.8 The Authority accepts that only a small minority of customers are likely to behave badly and this policy should be viewed as part of a framework of measures that will be used to tackle anti-social behavioural problems in any area where licensed premises are situated.
- 13.9 The 'Nitenet' Radio connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises. Such radios provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. The Licensing Authority encourages licence holders to participate in the Nitenet Radio scheme, but this will not be added as a condition of licences.
- 13.10 The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions will not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police will provide individuals conducting risk assessments when preparing Operating Schedules with advice on the use of CCTV to prevent crime.

- 13.11 Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.
- 13.12 It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions will not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.
- 13.13 Although most commonly made a condition of a licence on public safety grounds, consideration will also be given to conditions, which set capacity limits for licensed premises or clubs (or parts of those premises) where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.
- 13.14 It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.
- 13.15 It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.
- 13.16 Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.
- 13.17 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:
- a) a prescribed capacity;
 - b) an appropriate ratio of tables and chairs to customers based on the capacity; and
 - c) the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

Glass Control

- 13.18 Glass is a major factor in disturbances around licensed premises and the Authority may impose special conditions on certain types of venue in relation to glass control both within the premises, at disposal points and through unauthorised removal of glass from the premises.
- 13.19 In particular, the Authority may consider it necessary to ensure licensed premises have regular glass collection services in certain types of venue and keep control of waste bottle/glass receptacles.
- 13.20 Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. Any condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:
- a) no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
 - b) no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- a) but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.
- 13.21 Glasses containing drinks may be used as weapons during incidents of disorder and in un-toughened form can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition. It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety.

Marketing and Promotion of Alcohol

- 13.22 The Authority will not use the Licensing Policy to control prices or hinder free and fair competition in licensed trade.
- 13.23 When considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or

in the vicinity of the premises, it would be appropriate for the Licensing Authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises.

13.24 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 the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. Where appropriate and necessary consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

14. DOOR SUPERVISORS

14.1 Conditions relating to the provision of door supervisors and security teams are valuable in town centre locations and premises operating after 11.00pm in:

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

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

14.3 All door supervisors employed at licensed premises will be expected to display their identification as issued by the Security Industry Authority.

15 SELLING ALCOHOL RESPONSIBLY

15.1 Schedule 4 to the Policing and Crime Act 2009 introduces into the Licensing Act 2003 new mandatory conditions relating to drinks promotions. The Home Office has issued guidance on these conditions which can be found on the Home Office website – www.homeoffice.gov.uk

16. PUBLIC NUISANCE

- 16.1 The Act covers a wide variety of premises that require licences, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises will present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants against these risks as far as is practicable.
- 16.2 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.
- 16.3 If relevant representations are received, the Authority may impose conditions to prevent nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations and accumulations of rubbish and litter.
- 16.4 When applicants for premises licences or club premises certificates are preparing their Operating Schedules or club Operating Schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance. Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.
- 16.5 In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:
- a) noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
 - b) prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
 - c) the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted (particularly ensuring that firework parties are not managed by persons consuming alcohol, that adequate safety precautions are in place, that fireworks are not set off between 2300hrs and 0700hrs (except on 31st December/1st January); and
 - d) the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- 16.6 In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.
- 16.7 In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure

that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition will be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

- 16.8 Conditions may include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises. Conditions may be imposed requiring licensees to display signs at all exits of premises reminding customers to leave premises quietly and to respect the rights of nearby residents.

17. PUBLIC SAFETY

- 17.1 Fire precautions and means of escape from licensed premises are particularly important. Large numbers of people, some of whom may be under the influence of alcohol, must be safely contained, managed and, if necessary, evacuated from premises. Due regard must be had to these issues. The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform Fire Safety Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks.
- 17.2 When addressing public safety the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public safety objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.
- 17.3 It is also recognised that special issues may arise in connection with outdoor and large scale events. Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.
- 17.4 In addition, those preparing Operating Schedules or club Operating Schedules, licensing authorities and responsible authorities should consider
- a) Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications);
 - b) The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6;
 - c) Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X;
 - d) 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804;
 - e) The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2;
 - f) Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm;
 - g) The London District Surveyors Association's “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1;
 - h) The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly);
- BS 5588 Part 9 (regarding ventilation and air conditioning systems);
- BS 5588 Part 9 (regarding means of escape for disabled people);
- BS 5839 (fire detection, fire alarm systems and buildings);
- BS 5266 (emergency lighting systems);
- BS 5499 Fire Safety Signs, Notices & Graphic Symbols);

However, in consulting these texts, some of which were prepared prior to the coming into force of the Licensing Act 2003, those creating Operating Schedules or club Operating Schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

- 17.5 Fire safety guides can be purchased from any good book shop or downloaded free from www.firesafetyguides.communities.gov.uk
- 17.6 Any individual preparing an Operating Schedule or club Operating Schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.
- 17.7 In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:
- a) when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
 - b) disabled people on the premises are made aware of those arrangements.
- 17.8 It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.
- 17.9 In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:
- a) all exits doors are easily openable without the use of a key, card, code or similar means;
 - b) doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
 - c) any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
 - d) all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
 - e) fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
 - f) the edges of the treads of steps and stairways are maintained so as to be conspicuous.
- 17.10 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- a) safety checks are carried out before the admission of the public; and
 - b) details of such checks are kept in a Log-book.
- 17.11 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- a) hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
 - b) any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
 - c) curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
 - d) temporary decorations are not used without prior notification to the licensing authority/fire authority.
- 17.12 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- a) arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
 - b) the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.
- 17.13 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.
- 17.14 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that the fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.
- 17.15 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.
- 17.16 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that access for emergency vehicles is kept clear and free from obstruction.
- 17.17 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that adequate and appropriate supply of first aid equipment and materials is available on the premises and, if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

17.18 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- a) in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- b) fire safety signs are adequately illuminated;
- c) emergency lighting is not altered;
- d) emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- e) in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

17.19 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- a) temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work or prior inspection by an NICEIC qualified electrician;
- b) temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- c) where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

17.20 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- a) if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- b) where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- c) at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- d) at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

17.21 Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new Operating Schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

17.22 The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects which should be considered include:

- a) dry ice machines and cryogenic fog;
- b) smoke machines and fog generators;
- c) pyrotechnics, including fireworks;
- d) real flame;
- e) firearms;
- f) motor vehicles;
- g) strobe lighting;
- h) lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- i) explosives and highly flammable substances.

17.23 In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or the fire authority.

17.24 The risk of a terrorist attack in licensed premises should always be a consideration and thought must be given to ensuring public safety by taking measures to prevent attack. The Authority will not include these as conditions, but licensees are reminded to be constantly vigilant against unattended packages and suspicious activity. The National Counter Terrorism Security Office has published guidance for bars, pubs and nightclubs called 'Counter Terrorism Protective Security advice' which may be obtained from your local Police.

17.25 The Authority recognises that licensed premises are used for meeting potential sexual partners and licensees are encouraged to provide working vending facilities for contraceptive devices aimed at the prevention of sexually transmitted disease and unplanned pregnancy. However, the promotion of public health is not a licensing objective, so no conditions of this type will be included in Operating Schedules.

17.26 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that deal with:

- a) the adequacy of transportation arrangements to ensure customers are able to travel safely to and from the premises (including procedures for preventing people from consuming excess alcohol and driving);
- b) ensuring that any arrangements or advertising of taxis and private hire vehicles only relate to such vehicles licensed by the Authority;

18. OPERATING SCHEDULE

18.1 An Operating Schedule is a document which must be submitted with a licence application and which must contain the information required by Section 17 of the Licensing Act. Among other things it must include the steps which the applicant proposes to take to promote the licensing objectives. The Authority requires applicants to address all of the areas in this policy where they are relevant to the proposed licensed activity.

18.2 If a responsible body or interested party submits a relevant representation, then the Authority's discretion is engaged to attach additional conditions to a licence to meet

those representations if the Authority considers this to be appropriate in the individual circumstances of each application.

19. ADULT ENTERTAINMENT

- 19.1 Where an operating schedule does not refer to 'adult entertainment' taking place on the premises the Authority may place restrictions on the licence that would prevent 'adult entertainment' taking place.
- 19.2 Section 27 of the Policing and Crime Act 2009 introduced new powers for Local Authorities to control 'Sexual Entertainment' venues. Applicants wishing to provide adult entertainment should consult the Authority's policy on providing such entertainment. This policy can be found at www.oldham.gov.uk/working/licensing-in-oldham.htm

20. CONDITIONS

- 20.1 Conditions to be imposed on licences will be specific to the individual premises and events. They will normally be drawn from the model pool of conditions based upon this Policy and the Secretary of State's Guidance.
- 20.2 This list is not exhaustive and may be varied from time to time as considered necessary when licensable activities are being carried out. The Authority may also impose such other conditions as described in this policy and consistent with meeting the Authority's licensing objectives.

21. INTEGRATION OF POLICIES AND AVOIDANCE OF DUPLICATION

- 21.1 Licensing is but one part of an overall strategy to deal with poor behaviour. Other mechanisms include:
- a) Planning controls;
 - b) Positive measures to create a safe and clean town centre environment;
 - c) Powers of the Authority to designate public areas where the consumption of alcohol is not permitted;
 - d) Police enforcement of disorder and anti-social behaviour;
 - e) The prosecution of personal licence holders and staff for selling alcohol to persons who are under age or drunk;
 - f) The confiscation of alcohol from persons in designated areas;
 - g) Police powers to close down instantly any licensed premises on grounds of disorder or likelihood of disorder or excessive noise emanating from the premises;
 - h) Powers of the Local Authority under the Environmental Protection Act and Health and Safety at Work Act;
 - i) Power of police or a local resident or business to seek a review of a licence.
- 21.2 The Authority has established a Licensing Forum of interested parties that deals with consultation issues and helps to ensure the integration of strategies relating to crime prevention, planning, tourism, culture and transport. This will assist in ensuring that conditions applied to licences meet the licensing objectives. The Forum will also allow the Authority and transport agencies to consider the best methods for dispersal of people from town centres.
- 21.3 The Licensing Committee will receive reports on crime and disorder, transportation, cultural strategy, employment and the local tourist economy to ensure that these matters are properly reflected in their decisions.

- 21.4 The Licensing Committee will consider the impact of licensing on regulated entertainment particularly live music and dancing. Where there is any indication that licensing requirements are deterring such events, the Authority's policy will be examined with a view to investigating how this situation may be addressed.
- 21.5 The Licensing Committee will receive annual reports on the situation regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder.
- 21.6 So far as possible, duplication with other regulatory agencies will be avoided and conditions will only be attached to licences which are necessary for the promotion of the licensing objectives.
- 21.7 The Authority will actively support and maintain protocols with the Greater Manchester Fire Authority and Greater Manchester Police to ensure effective co-operative working arrangements.

22. PLANNING

- 22.1 The Authority recognises that licensing applications should not be seen as a re-run of any planning application and that there should be clear separation of the planning and licensing regimes to avoid duplication and inefficiency.
- 22.2 There are several key differences between licensing and planning control. Licensing is concerned with the operation and management of the premises. Planning control relates to the use of the premises.
- 22.3 Applicants for a premises licence need to be aware that the granting of a licence under the Licensing Act does not negate the need to obtain relevant planning permission.
- 22.4 To assist in this process the Authority may provide reports to the Council on the situation regarding licensed premises in the district, including the impact of alcohol related crime and disorder.

23. ENFORCEMENT

- 23.1 The Authority will undertake inspections, including joint inspections of premises and enter into other working arrangements with the Greater Manchester Police, Fire Authority and other agencies to support the 'licensing objectives'.
- 23.2 Protocols will provide for targeting of agreed problem and high risk premises, but with a 'lighter touch' to those premises which are shown to be well managed and maintained.
- 23.3 The Authority has adopted a business enforcement policy in accordance with the Government's 'enforcement concordat'. The key principles of consistency, transparency and proportionality will be maintained.
- 23.4 The Authority continually reviews its regulation practice and will ensure implementation of best practice as delivered from time to time by guidance or legislation.

24. PROCESSING OF APPLICATIONS AND OBJECTIONS

- 24.1 The Authority will process all applications taking into account any relevant timescales in the Act and, where there are no timescales, within a reasonable time. All timescales will be published and provided to all applicants along with details of when decisions can be taken by officers or when they will be referred to the Licensing Committee.
- 24.2 The Authority will also publish guidance for applicants to assist them in identifying the kind of actions that may need to be taken to meet the licensing objectives. The guidance will supplement anything issued by central Government. It will not provide an exhaustive list of options, but it will give applicants advice on many of the approaches that can be taken to ensure successful applications for licences.
- 24.3 Licences can be issued either:
- a) by Officers acting under delegated powers;
 - b) following review by the full Licensing Committee; or
 - c) following review by a sub-committee of the full Committee (called a Licensing Panel).
- 24.4 Potential objectors to licence applications can be divided into two groups. Firstly, there are the “responsible authorities”. These are the Police and Fire Authorities, Oldham Authority, any other local authority where part of the premises lies in their area and, in the case of boats or similar vessels, the Environment Agency and British Waterways Board.
- 24.5 Secondly, there are “interested parties”. These are persons living in the vicinity of licensed premises, or bodies representing them and local businesses in the vicinity of licensed premises, or bodies representing them. Hence, local residents associations and forums for local businesses may make representations. They do not have to come from individual residents of businesses.
- 24.6 An individual or group of “interested parties” may ask another person or body to represent them. This could be someone legally qualified or an MP, MEP or Ward Councillor. Where a Councillor agrees to make representations on behalf of an interested party and that Councillor is a member of the Licensing Committee, they will disqualify themselves from all involvement in the decision making process in relation to that application.
- 24.7 Section 33 of the Policing and Crime Act 2009 amended the Licensing Act 2003 so as to include Elected Members of the Authority as persons who can make representations against most types of licencing application, whether or not that elected Member lives or works in the vicinity of the relevant premises.
- 24.8 Representations can only be considered if they relate to a problem that could compromise one or more of the licensing objectives. Officers will decide if this is the case and they are charged with deciding whether or not objections are irrelevant, frivolous or vexatious. Any representation deemed so will not be considered.
- 24.9 Representations need not just relate to the negative effect of a licence but may relate to the positive effect the granting of a licence may have. This also true in the case of a review where positive representations can be taken into account by the Authority.

24.9 In order to ensure that it is meeting its obligations in relation to Community Cohesion and equality of opportunity, the Council will routinely undertake ethnic, gender, disability, age and sexual orientation monitoring of all licensing activity. However, this will not form a relevant factor for determining licensing applications and such information shall be anonymised or removed prior to the application being processed.

RESPONSIBLE AUTHORITY CONTACT DETAILS

Licensing Officer
Greater Manchester Police
Sir Robert Peacock House
Vulcan Street
Oldham
OL1 4LA 0161 856 9069

Greater Manchester Fire & Rescue Service
Oldham Command HQ
Broadway
Chadderton
Oldham, OL9 0JX 0161 909 8610

Oldham Local Safeguarding Children's Board
10 Whitney Court
Southlink Business Centre,
Hamilton Street
Oldham, OL4 1DB 0161 770 8088

Oldham MBC
Environmental Health Team
Chadderton Town Hall
Middleton Road
Chadderton,
Oldham 0161 770 4083

Oldham MBC
Planning Dept
Civic Centre
West Street
Oldham, OL1 1UQ 0161 770 4105

