

**Statement of
Licensing Policy
2016-2021**

Licensing Act 2003
Rochdale Borough Council
January 2016

STATEMENT OF POLICY

Under Section 5 of the Licensing Act 2003

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1. GLOSSARY

Act

The Licensing Act 2003 as amended.

Applicant – within the statement of licensing policy may mean applicant, licence holder, club premises certificate holder as appropriate

Designated premises supervisor/DPS

Designated person with day to day control in premises that sell alcohol (specified on the Premises Licence).

NB *there is no requirement for a DPS in premises operated through a club premises certificate*

Other Persons - 'Interested Parties'

- persons who live, or are involved in a business, in the relevant licensing authority's area;
- a member of the relevant licensing authority.

Licensing Authority (the Authority)

Rochdale Borough Council.

Licensing Objectives

Licensing Authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives:

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance and
- d) The protection of children from harm.

The Licensing Register

The Licensing Register contains details of all Premises Licences and Club Premises Certificates. The register is available online at:
<http://licensing.rochdale.gov.uk/1/WcaHome>

Operating schedule

Document prepared by an applicant as an essential part of the application. It will detail the licensable activities to be carried out at the premises, the hours of operation which may be different for different activities, the steps to be taken to support the licensing objectives and where alcohol is sold details of the designated premises supervisor.

Relevant Representations

There are various types of applications that can be made under the Act, and in most cases representations are invited in relation to them. However, to be considered by an Authority they must be 'relevant representations' as defined by the Act.

A 'relevant representation' is one that is made in writing and:

- is about the likely effect of the licence on the promotion of the licensing objectives;
- has been made by a responsible authority, or other person as defined by the Act, within the relevant time period as prescribed by regulation;
- has not been withdrawn; and
- has not been determined by the Licensing Authority as frivolous or vexatious or repetitious.

Responsible Authorities – bodies defined within the Act as detailed at Appendix A.

Secretary of State's Guidance

Guidance issued under Section 182 of the Act. To which the Licensing Authority must have regard in discharging its duties.

The Policy

The Statement of Licensing Policy as produced by Rochdale Borough Council Licensing Authority.

Appendices

- A) Consultees and Responsible Authorities
- B) Exercise and Delegation of Functions
- C) Statutory Qualifying Conditions for Clubs
- D) The Hypnotism Act 1952: Conditions

Consultees

A list of consultees can be found at Appendix A.

Further details about the licensing and application process, including application forms and/or any related licensing matter, can be obtained from:

Rochdale Borough Council
Licensing Service
Number One Riverside
Smith Street
Rochdale
OL16 1XU

Telephone: 01706 924114

Email: licensing.reg@rochdale.gov.uk

Website: www.rochdale.gov.uk

Useful web links

<http://licensing.rochdale.gov.uk/1/WcaHome> - Rochdale Council's Licensing Authority Public Register

www.rochdale.gov.uk – Rochdale Borough Council website

www.gov.uk – contains the Licensing Act 2003 and associated regulations

Please Note: Whilst this policy endeavours to reflect the legal requirements of the Licensing Act 2003, the Act rather than the Policy will be the definitive reference source for such requirements.

Background



ROCHDALE
BOROUGH COUNCIL



2.0 INTRODUCTION

- 2.1 Rochdale Borough Council is the Licensing Authority for the Metropolitan area of Rochdale under the provisions of the Act and is responsible for the regulation of licensing matters within the borough.
- 2.2 The Act requires the Council to produce a Statement of Licensing Policy every 5 years. This policy was published on XXXX 2016 and will be due for review no later than XXXX 2021. It can be reviewed at any time during the 5 year period, with any changes being subject to statutory consultation.
- 2.3 The Policy is published under Section 5 of the Act and states how Rochdale Borough Council, as the Licensing Authority, will exercise its licensing functions in order to promote the four **Licensing Objectives** which are:
- **The prevention of crime and disorder;**
 - **The prevention of public nuisance;**
 - **Public safety; and**
 - **The protection of children from harm.**
- 2.4 Each licensing objective is considered to be of equal importance within this Policy. They will be considered in relation to matters centred on the premises or within the control of the licensee and the effect if any, which the carrying on of that business has on the vicinity.
- 2.5 The Authority recognises that the entertainment/leisure industry is a major contributor to the economy and cultural development of the Borough.
- 2.6 The Authority wishes to encourage licensees to provide a wide range of entertainment activities within the Borough throughout their opening hours and to promote live music, dance, theatre etc., for the wider cultural benefit of the community, and will seek to monitor the effects of licensing on these activities.
- 2.7 The Authority will endeavour to carry out its licensing functions in a way that ensures public safety, supports well managed premises where licence holders display sensitivity to the potential impact of activities on local residents and other businesses, and protects residents from detrimental effects.
- 2.8 The Authority will have regard to how littering and fouling, noise, street crime and the capacity of the Authority's infrastructure, resources and police resources impact on the licensing objectives.
- 2.9 In adopting this policy, the Authority recognises that each application will be considered on its individual merits.
- 2.10 The Authority will work in partnership with the police, residents and all local businesses to promote the licensing objectives, and to implement strategies to achieve them.

3.0 OVERVIEW OF THIS POLICY

- 3.1 The overall aim of this policy is to actively promote the Licensing Objectives. It seeks to provide information and guidance to applicants, responsible authorities and any person who may be affected or interested in licensing matters. It clarifies the manner in which the Council will consider applications and how it will approach matters relating to licensing. It will also set out what the Licensing Authority expects of licence holders and how they can contribute to the promotion of the Licensing Objectives
- 3.2 In preparing and publishing this policy, the guidance issued by the Secretary of State for the Home Office under section 182 of the Licensing Act 2003 has been taken into account along with good practice advice issued by approved government advisory bodies.
- 3.3 The policy has regard for the Council's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Rochdale and notes that it is a public health priority to reduce alcohol related harm.
- 3.4 The policy also takes into account the Council's statutory duty under the Crime and Disorder Act 1998 to have regard to the need to do all that it reasonably can to prevent crime and disorder, misuse of drugs and alcohol reoffending in the area.
- 3.5 The Licensing Authority will always have regard for its obligations under the Equality Act 2010, and will ensure that the policy does not disproportionately impact any particular equality group.
- 3.6 The Licensing Authority has taken account of the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012 and the Deregulation Act 2015, which brought in legislative changes to the Act which have been reflected in this Policy.
- 3.7 The Licensing Authority is committed to protecting children from harm and recognises how an effective licensing regime can assist and inform other agencies in helping to tackle child sexual exploitation (CSE).

4.0 CONSULTATION ON THIS POLICY

- 4.1 In accordance with Section 5(3) of the Act, the following were consulted in order to finalise this policy:
- The Chief Officer of Police in Rochdale;
 - The local Fire Authority;
 - Public Health Department in Rochdale
 - Such persons the Licensing Authority considers to be representative of holders of Premises Licences in Rochdale;
 - Such persons the Licensing Authority considers to be representative of holders of Club Premises Certificates in Rochdale;
 - Such persons the Licensing Authority considers to be representative of holders of Personal Licences issued in Rochdale; and
 - Such other persons the Licensing Authority considers to be representative of businesses and residents in Rochdale.
- 4.2 A list of the consultees can be found at Appendix A.

5.0 THE INTEGRATION OF POLICIES

5.1 Whilst the overall aim of this Policy is to promote the Licensing Objectives, it is recognised that there are other key Council policies, Government and partnership agency policies in place, which also contribute to the Council Plan. This Policy integrates as far as reasonably possible with those strategies/policies, such as:

- Crime and Disorder Reduction Strategy
- Enforcement Concordat
- Alcohol Harm Reduction Strategy
- National Drug Strategy & Local treatment Plans
- Safer Nightlife
- LACORS/TSI Code of Practice on Test Purchasing
- Culture and Tourism Strategies
- Greater Manchester Local Transport Policy
- Rochdale Unitary Development Plan and documents prepared as part of the Local Development Framework
- Rochdale Borough current Community Strategy
- Rochdale Borough Local Neighbourhood Renewal Strategy
- Rochdale Borough Economic Strategy

5.2 Licensing regulation also forms part of an overall strategy to address issues generated by licensed premises. Licensing will work in partnership with other Council departments and agencies with a view to promoting the Licensing Objectives. Other controls include:

- Planning control;
- Positive measures to create safe and attractive town and district centres;
- Powers of the Council to designate public areas where the consumption of alcohol is not permitted;
- The confiscation of alcohol from adults and children in designated areas;
- Police enforcement of disorder and anti-social behaviour;
- Prosecution of personal licence holders and staff for selling alcohol to persons who are under age or drunk;
- Police powers to close down instantly any licensed premises on the grounds of disorder or likelihood of disorder or excessive noise emanating from the premises;
- Powers of the Council under the Environmental Protection Act and Health and Safety at Work Act;
- Power of a Responsible Authority, or other person to seek a review of a licence; and
- Alcohol misuse and dependency.

6.0 TACKLING CHILD SEXUAL EXPLOITATION (CSE)

6.1 The Licensing Authority is committed to protecting children from harm. It recognises that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.

6.2 Alcohol is also reported as a factor in CSE. Young people are encouraged or coerced into drinking alcohol, leaving them vulnerable to perpetrators of CSE. Licensed

premises have been implicated nationally in the involvement with CSE, either taking place on the licensed premises or the premises being used for the purposes of grooming and enticement.

6.3 The Licensing Authority will report any issues of concern regarding the safeguarding of children to the appropriate safeguarding authorities and will act on any reports from them accordingly in relation to the promotion of the Licensing Objectives. Where there are serious concerns and/or any criminal investigations in relation to the abuse of children in connection with a licensed premises, serious consideration will be given to lodging a review of the premises licence / certificate as it relates to the negative impact on the Licensing Objectives and in particular crime and disorder and the protection of children from harm.

6.4 The Licensing Authority expects licence holders and operators of licensed premises:

- To understand that the sexual exploitation of a child is a criminal offence;
- To ensure that they and their employees are fully aware of the signs of CSE and how to report it;
- To report any concerns to the appropriate authorities or to the Licensing Authority who will then flag up their concerns to the relevant safeguarding professionals on their behalf.

7.0 AUTHORITY PROFILE

7.1 The Authority is one of the 10 Metropolitan Districts of Greater Manchester.

7.2 Rochdale is a large market town in Greater Manchester. It lies amongst the foothills of the Pennines on the River Roch, 5.3 miles north-northwest of Oldham, and 9.8 miles north-northeast of the city of Manchester. The Borough of Rochdale has an approximately total population of 206,500 people. It occupies an area of 16,100 hectares and is based on the townships of Rochdale, Middleton, Heywood and Pennines.

7.3 The Authority currently licences:

- 476 Premises Licences with Alcohol
- 124 Premises Licences without Alcohol
- 59 Club Premises Certificates with the provision for Alcohol
- 1651 Personal Licence Holders

8.0 SCOPE AND CONTEXT OF THE POLICY

8.1 Applications for new premises licences or variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps which the applicant proposes to promote each of the Licensing Objectives.

8.2 If no relevant representation is made with regard to the application, the Authority must grant the application as set out in the operating schedule, subject only to mandatory conditions under the Act. Steps proposed by the applicant within the operating schedule will become licence conditions. The licensing authority will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.

- 8.3 Where there are relevant representations, then a Licensing Sub-Committee Hearing will normally follow. The Licensing Sub-Committee must, having regard to the representation and take such steps as it considers appropriate to promote the Licensing Objectives. These may include refusing the application, or adding to or modifying the conditions proposed in the operating schedule.
- 8.4 In exercising its discretion, the Licensing Sub-Committee will have regard (amongst other things) to this Policy. In preparing their operating schedule, applicants are advised to read the Policy carefully. Where an operating schedule complies with this Policy, it is generally less likely that a responsible authority or other person will object to it. Compliance with this Policy is likely to assist the applicant to avoid the delay and expense of a contested hearing and the risk of a refusal or the addition of unwanted licence conditions.
- 8.5 This is not to say that an opposed application which complies with the Policy will necessarily be granted or that an opposed application which does not comply with it will necessarily be refused. Where there have been relevant representations, the Authority will always consider the merits of the case for the promotion of the Licensing Objectives. Blanket or standard conditions will not be applied without regard to the merits of the individual case.
- 8.6 The Policy represents the Authority's view of the best means of securing the Licensing Objectives in most normal cases. It has been drawn up in consultation with other expert bodies and responsible authorities, together with community stakeholders. While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule which departs from the Policy, the Licensing Sub-Committee hearing an opposed application will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the Policy.
- 8.7 In this Policy, there are a number of references to the licensing Authority's expectations of applicants. As explained above, the Policy is only engaged where the Authority has a discretion following the receipt of objections. In such cases, the Authority will not apply the policy rigidly, but will always have regard to the merits of the case with a view to promoting the Licensing Objectives.
- 8.8 Further, the licensing authority may use this Policy when exercising other licensing functions. For example, when considering an application for review of a licence, the Authority is likely to view with concern premises which are being operated in clear breach of the terms of this Policy.
- 8.9 In undertaking its licensing functions, the Authority will be mindful of other legislation which may impact on the promotion of the Licensing Objectives, for example:
- Crime and Disorder Act 1998 in particular Section 17;
 - Environmental Protection Act 1990 (as amended);
 - Noise Act 1996;
 - The Anti-Social Behaviour, Crime and Policing Act 2014;
 - Clean Neighbourhoods and Environment Act 2005 (including powers for the Local Authority to issued fixed penalty notices to licensed premises emitting noise that exceeds the permitted level between 11pm and 7am);
 - Violent Crime Reduction Act 2006;
 - Police and Crime Act 2009;
 - Police Reform and Social Responsibility Act 2011;

- Health Act 2006;
 - European Union Services Directives;
 - Human Rights Act 1998;
 - Equality Act 2010
- 8.10 The Authority will not attempt to regulate matters that are provided for in other legislation through its licensing functions. Duplication with other legislation and regulatory agencies will be avoided as far as possible and conditions will only be attached to licences which are appropriate for the promotion of the Licensing Objectives.
- 8.11 The Policy sets out a general approach to the making of licensing decisions that are compatible with the Licensing Act 2003 and the associated guidance. It does not prevent any individual from making any application and having it considered on its individual merits. Nor does it seek to override the right of any person to make representations on an application or to seek a review where the Act allows them to do so. When considering applications the Authority will take into account all relevant representations, and the measures to support the licensing objectives taken by or proposed by the applicant through the operating schedule. The Authority recognises that unless relevant representations are received in respect of an application there is no provision for the Licensing Authority, to refuse an application or impose conditions on a licence other than those proposed within the application.
- 8.12 The Policy is integral in managing the role licensed premises play throughout the Borough. A key aim of the Policy is to ensure that licensed premises have a positive impact on their locality. The Authority is aware of the need to avoid the imposition of conditions and other controls, which could deter some forms of live entertainment. Only proportionate and reasonable controls that are appropriate for the promotion of the Licensing Objectives will be considered.
- 8.13 The Policy aims to strike a balance between the safety and amenity of residents, visitors, businesses and those working or engaged in normal activity in and around the Borough. It seeks to support the Borough as a desirable destination for the widest range of user groups. In embracing a vision for the development of a successful and vibrant night time and evening economies, it will encourage an entertainment and cultural offer with a diverse range of activity rather than premises focused mainly or exclusively on the sale of alcohol. The Policy and seeks to support the philosophy of Purple Flag.
- 8.14 The Policy cannot detail every factor that influences the achievement of the Licensing Objectives nor can it detail all the control measures that may be appropriate. Individual applicants and licence holders must consider the licensing objectives and control measures with regard to the particular nature of their business. Additional opportunities for licensable activities must be matched by appropriate and proportional measures to support the Licensing Objectives.
- 8.15 The Policy is designed to deal with matters within the control of the licence/club certificate holder on and in the vicinity of their premises. It is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee or licensed premises.
- 8.16 Whilst the policy is prepared for the Authority's area it will also take account of the position in adjoining Authorities where common boundaries are relevant in licensing terms.

- 8.17 In some cases additional licences may be required under separate legislation, for example, sexual entertainment venue licences etc.
- 8.18 The Police Reform and Social Responsibility Act 2011 and the Health and Social Care Act 2012, amends the 2003 Act so as to include a Local Authority's 'Public Health' department as a responsible Authority. As a responsible authority, the Public Health department can make representations in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates; in addition, public health may themselves seek a review of a premises licence. Any representation must be specific to the premises and cannot be a general objection. Representations should be evidence-based and should demonstrably refer to one or more of the Licensing Objectives. As there is no Licensing Objective relating to public health, the public health department must ensure representations are relevant to one of the four existing objectives.

9.0 LICENSABLE ACTIVITIES

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

- a) retail sales of alcohol
- b) the supply of alcohol by or on behalf of a club
- c) the provision of regulated entertainment, being:
 - i) performance of a play
 - ii) exhibition of a film
 - iii) an indoor sporting event
 - iv) boxing or wrestling entertainment
 - v) performance of live music
 - vi) playing of recorded music (excluding incidental music)
 - vii) a performance of dance
 - viii) entertainment of a similar description to that falling within v, vi and vii)

where the entertainment takes place in the presence of an audience.

- d) the provision of late night refreshment at any time between 11.00pm and 5.00am for consumption on or off the premises.

9.2 The meaning of the licensable activity 'regulated entertainment' is complex and has been subject to a series of Government deregulation measures. It covers live or recorded music, dance, plays, films and some sporting activities, however there are a number of exemptions and restrictions on the types of activities subject to licensing. In addition to this the Deregulation Act 2015 and Live Music Act 2012 means that live and recorded music at certain times of the day and in certain circumstances (for audiences less than 500 people and/or that which takes place between 8am and 11pm), is no longer regulated.

9.3 An authorisation for regulated entertainment is however always required for all of the above activities that take place before 8am and after 11pm, unless exempted under any other provision of the Act.

9.4 Please contact the Licensing Authority for further information on such matters:

Telephone: 01706 924114
Email: licensing.reg@rochdale.gov.uk

Licensing Objectives

10.0 LICENSING OBJECTIVE – PREVENTION OF CRIME AND DISORDER

10.1 Personal Licences

The Licensing Authority recognises it has very little discretion regarding the granting of these licences. In general, provided an applicant has a qualification determined by the Home Office and does not have certain criminal convictions, the application must be granted.

If an applicant has a relevant conviction the police can oppose the application. If an objection is lodged by the police, a hearing of the Licensing Authority's Licensing Sub-Committee will be held. (For further information on Personal Licences, please refer to paragraph 25.0).

Policy

At that hearing the Authority will consider carefully whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Authority will only grant the application if it is satisfied that doing so will promote this objective.

Reason

Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.

10.2 Prevention of Crime

Policy

In appropriate cases, the Authority will expect the applicant to indicate in his/her Operating Schedule the steps proposed to prevent crime and disorder, such as:

- Use of CCTV both within and outside the premises.
- Metal detection and search facilities.
- Measures to prevent the use or supply of illegal drugs.
- Employment and regulation of licensed door supervisors and other appropriately trained staff.
- Active participation in an appropriate Pub & Club Watch Scheme, or other scheme designed to ensure effective liaison with the local community, the relevant authorities and other licensees.
- Participation in a local radio/pager link scheme.
- A Dispersal Policy.

This list is not exhaustive and is provided, simply, to provide examples of appropriate proposals for inclusion in an operating schedule.

Reason

Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Authority the practical steps that will be taken to further this objective.

10.3 Cumulative Impact

Policy

Where the Licensing Authority receives representations from a responsible authority or an interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises making it a focal point for large groups to gather in and circulate away from, and that this is creating exceptional problems of disorder and/or nuisance over and above the impact of the individual premises, the Licensing Authority can properly consider whether or not the granting of an additional licence might lead to one or more of the Licensing Objectives being undermined.

That said, nothing in this policy will seek to limit the number of licensed premises simply because the Authority, any interested party or responsible authority considers that there are enough licensed premises to satisfy demand. This is properly a commercial decision for the applicant. The Authority also recognises that the economic regeneration of an area can have positive effects on issues such as crime and disorder.

However, the Authority recognises that a potential cumulative effect of a proliferation of late night entertainment premises (including night cafes) may result in an increase in numbers of people either walking through or congregating in streets during the night and this in turn may have a number of undesirable consequences, as set out below:

- An increase in crime against both property and persons
- An increase in noise causing disturbance to residents
- Traffic congestion and/or parking difficulties
- Littering and fouling

This may result in the amenity of local residents being placed under severe pressure, and it will not always be possible to attribute a particular problem to customers of particular premises. This means that, whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.

The Authority recognises that only a minority of consumers may behave badly.

It should be re-iterated that the Licensing Policy is only one means of addressing the problems identified above. Other mechanisms include:

- Planning controls
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas
- Police powers to close down premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise

- Prosecution of personal licence holders who sell alcohol to people who are drunk
- Powers of the Police, responsible authorities or local residents or businesses to seek a review of a premises licence or club certificate
- Police enforcement of the general law concerning disorder and anti-social behaviour
- Use of CCTV
- Metal detection and search facilities
- Minimising risks from drink promotions and similar
- Drug control policies, including installation of drug safes
- Use of trained security and other staff
- Participation in local trade liaison schemes, such as Pub & Club Watch where available and including radio/communications schemes
- Consideration of use of Anti-Social Behaviour Orders
- Transport provision

Where there is evidence that a particular area of the district is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further application for premises within any area identified.

As such, the Authority will take into account:

- The character of the surrounding areas
- The impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
- The nature and character of the proposed operation

In considering all licence applications, the Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder and to support the licensing objectives.

Reason

The 'cumulative impact' of the granting of an additional/variation to premises licences on the promotion of the Licensing Objective to prevent crime and disorder is a proper matter for the Licensing Authority to consider under this policy.

However the policy will not seek to limit the number of licensed premises which will be permitted, simply because the Licensing Authority considers that there are already enough licensed premises to satisfy the demand.

10.4 Special Saturation Policy

Policy

The Licensing Authority will consider adopting a special saturation policy if it considers that an area is already saturated with licensed premises. Before a Special Saturation Policy is adopted, the following must take place:-

- Identification of concern about Crime and Disorder or Public Nuisance;
- Consideration of whether it can be demonstrated that Crime and Disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the

boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;

- Consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy
- Subject to that consultation, inclusion of a special policy about the future premises licence or club premises certificate applications from that area within the terms of this licensing policy.
- Publication of the Special Policy as part of this licensing policy.

If a Special Saturation Policy is adopted, it will be reviewed every three years to see if it is still needed or it has had the desired effect.

Reason

This section provides the framework to facilitate the Licensing Authority adopting a special saturation policy where this is deemed necessary to support the licensing objective of preventing crime and disorder.

10.5 Sex-Related Activities

Where the activities proposed under the licence include those of a sex-related nature (e.g. topless waitresses, striptease, table dancing) the Authority will take into account the increased risk to the licensing objectives. For the sake of convenience the term “striptease” in this part of the policy should be taken to refer to any entertainment or service involving exposure of private parts or the sexual stimulation of patrons.

Policy

It will be the policy of the Licensing Authority not normally to grant licences which involve a sex related element near schools, churches, hospitals, youth clubs or other sensitive premises where significant numbers of children are likely to attend.

Where such licences are granted it will impose conditions designed to ensure that children are not admitted to and cannot witness these activities and to prevent crime and disorder problems. For example:

The area proposed for striptease shall:

- be in a position where the performance cannot be seen from the street;
- be in a designated area of the premises with segregation from the audience;
- be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.

Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position, so that it can be easily read by persons entering the premises, in the following terms:

NO PERSON 18 WILL BE ADMITTED

To prevent the possibility of children seeing unsuitable advertising material the Policy of the Authority will be to attach a condition to the effect that “Except with the consent

of the Licensing Authority there shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity.”

In considering the grant of applications involving striptease the Authority will also have regard to the increased risk of nuisance to nearby residents and will consider rejecting the application or attaching appropriate conditions.

Reason

These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities posed by such activities.

10.6 Drugs

Almost every recent survey indicates that more people are taking illegal drugs and are using a wider range than ever before. This is particularly true of what are often referred to as ‘recreational drugs’. Their misuse can hold grave dangers and has even led to fatalities.

Other factors may have contributed to these deaths, such as lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.

Drugs alter the way people behave, so their distribution and possession is controlled by law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger.

The Authority recognises that drug-use by young people in a club environment is not something that is relevant to all licensed premises. However, many entertainment venues such as night clubs and dance venues can be popular both with drug misusers and suppliers, and there is evidence of increased use of drugs even in traditional community-type public houses.

Policy

The Authority will expect licensees of venues likely to be affected by drug issues to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse.

In particular, the Authority will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The Authority will also expect licensees to be following the best practice guide on safer nightlife which builds on the safer clubbing published by the Home Office.

It is hoped that licensees will follow these recommendations on a voluntary basis as failure to do so could lead to the licence being reviewed with the possibility of revocation. In appropriate cases the Authority will consider imposing the recommendations detailed in these documents by way of licence conditions.

As part of the Operating Schedule for the premises, the Authority may require written drug control policies, which document the control measures in place.

Reason

The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing a tragic loss of life caused by drug abuse, overheating and other factors.

11.0 LICENSING OBJECTIVE – PROMOTING PUBLIC SAFETY

11.1 Venue Safety

Policy

The Authority will expect the premises to be constructed and maintained to the highest possible standards of safety. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and where appropriate the Technical Standards published by the District Surveyors Association.

Premises with large areas of ceiling that are unsupported, e.g. domed or vaulted ceilings to premises such as theatres, cinemas, etc. may require specific structural assessments on a programmed basis.

The Authority will also expect that Operating Schedules will contain the significant findings of the fire risk assessments, including such matters as emergency evacuation, staff training and systems for ensuring the adequacy of safety equipment where appropriate.

The Authority will also expect the Operating Schedule to detail how the premises will be properly managed and maintained to ensure public and staff safety at all times.

Reason

Public safety is a very important licensing objective as it is about protecting the safety and the lives of patrons. It is the intention of the Authority that anyone visiting a licensed venue can do so in complete safety, confident that they are visiting premises that have been constructed with safety in mind and that are well managed and maintained.

11.2 Hypnotism

Policy

If an applicant wishes to have any performance of stage hypnotism at any time this should be addressed in the Operating Schedule. In the event of any performance of stage hypnotism the Authority will normally require written notification 8 weeks prior to the performance taking place. Where consent is given for this type of entertainment the council will impose specific licence conditions.

Reason

It is recognised that Hypnotism poses specific risks and therefore additional licensing conditions should be covered within the Operating Schedule, designed to ensure the safety of the audiences and in particular to ensure that children are not admitted to and cannot participate in such activities.

Examples of conditions relevant to Hypnotism can be found in Appendix D.

11.3 Drugs

The Authority recognises that the management of drug issues is relevant to the Licensing Objective to protect Public Safety. However the council's policy in respect of drugs issues is outlined in paragraph 10.6.

12.0 LICENSING OBJECTIVE – PREVENTION OF PUBLIC NUISANCE

12.1 Licensing Hours

Policy

The Authority recognises that widespread fixed closing times in certain areas can lead to peaks of disturbance and disorder when large numbers of people emerge onto the streets at the same time. Flexible licensing hours, particularly where alcohol is involved, may therefore be an important factor in reducing friction at late night food outlets, taxi ranks and other late night services.

The Authority accepts the principle of activity taking place over 24 hours and 7 days a week.

No general restriction or limitation on hours in any area is imposed by this policy.

The hours requested by the applicant will normally be approved where the applicant can show that the proposal would not adversely affect the environmental quality, residential amenity and character of any particular area, and that the licensing objectives would not, in any other way, be compromised.

Shops, stores and supermarkets will generally be permitted to sell alcohol during the normal hours they intend to open for shopping. However, in the case of individual premises which are a focus for disorder and disturbance then, subject to representations, limitations may be appropriate.

It will be necessary for applicants, who wish to vary the hours during which alcohol is sold for consumption on the premises, to include in the Operating Schedule the times when the premises will open, when sales of alcohol will commence and cease, and the time when the premises will be closed. This will, in effect, facilitate “drinking up time”.

Where late hours are requested, particularly involving entertainment, the imposition of conditions may be necessary to ensure the achievement of the Licensing Objectives.

Reason

This policy is aimed at the fulfilment of the licensing objective of “preventing public nuisance”.

12.2 Location and Impact of Activity

This part of the policy is concerned with whether a proposal is appropriate in a location with particular regard to the impact on any residential areas. In most of the Borough, which is predominantly residential, the policy will in appropriate cases limit the *normal* hours of opening for new licensed activities to a maximum time which is no later than midnight.

Later opening hours are considered to be acceptable, in principle, for premises in commercial areas with high levels of public transport accessibility. However, in all cases, the granting of a licence will depend on impact of an activity, particularly on local residents. It is necessary to consider, amongst other things, the level of impact that could arise from noise and vibration, litter, parking, people coming and going, transport, crowds and queuing; and whether any impact is particularly unacceptable late at night.

Policy

If relevant representations are received, the Authority will *normally* expect a closing time of no later than midnight for licensed premises in residential areas, *but* a later closing time may be permitted for premises located:

- in predominantly commercial areas;
- where there is a high level of accessibility to public transport services; and
- where there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicular movement will not cause demonstrable adverse impact to local residents; and
- the Operating Schedule submitted with the application indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.

Exceptions may be made to permit a later closing time/earlier opening time where it can be demonstrated that:

- the licensed activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it; and
- there will not be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area.

Reason

This part of the policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas, like parts of the town centres, and the rest of the Borough.

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or

congestion on the footway. It may also be caused by the customers being noisy when leaving, leaving litter or taking up on-street car parking space in close proximity to residential premises. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

12.3 **Management of Potential Noise Nuisances**

Policy

The applicant will be expected to propose practical steps to prevent disturbance to local residents in appropriate cases. In relation to noise from within the building the Authority will expect the applicant to have considered the likelihood of any sound leakage from the premises. This noise could relate not only to music but also to equipment or patrons. If there appears to be a potential for sound leakage the applicant will be able to address this in practical ways such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation.
- Reducing sound levels and installing a sound-limiting device to prevent sound exceeding the appropriate level.
- Installing soundproofing measures to contain sound and vibration.

The Authority will expect popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This can sometimes be achieved by simply ensuring that the direction of the queue is away from residential accommodation.

However, excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. This action can also help stop drug dealers from supplying drugs during the queuing process but the prime purpose is to prevent noise and disturbance. Door supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities and be adequately supervised.

In terms of patrons leaving the premises, particularly late at night or early in the morning, the Authority will expect the applicant to have included in the Operating Schedule any practical steps considered appropriate, such as the examples given below, although there will be few premises that need to address all these:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- At appropriate times using the PA system to make announcements to the same effect.
- Instructing door staff to ask customers leaving the premises to leave the area quietly.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Availability of licensed Hackney Carriage and Private Hire Vehicles to take patrons from the premises.
- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning from the premises people who regularly leave in a noisy fashion.

- Increasing outside lighting levels, where practicable without causing further nuisance.
- Where there is a private forecourt, preventing patrons from using it for eating and drinking etc. after 11pm, or ensuring it is vacated 30 minutes before the terminal hour.
- Ensuring that customers are not permitted to take open bottles or glasses of alcohol out of the premises.
- Taking appropriate steps where necessary to deal with noxious smells and light pollution.

Reason

One of the greatest irritations to residents trying to sleep is the sound of music escaping from licensed premises. Such an escape of sound might preclude the grant of a licence or, if one has already been granted, for it to be reviewed with a view to possible revocation. It might also lead to a Noise Abatement notice being issued under the Environmental Protection Act by the responsible authority. Responsible applicants and licensees will wish to avoid the need for such action, as they will wish to comply with the licensing objective of preventing public nuisance.

There can be little doubt that a well-managed licensed venue can benefit the local community. On the other hand, there is clearly a risk of local residents being disturbed, particularly if the venue is open late at night.

This is because people leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.

The area will be generally quieter and any noise will, therefore, be amplified and provide more disturbance for residents. Clearly a responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance by introducing practical measures, such as those referred to above, to prevent such nuisance.

12.4 Consideration of the Impact of Licensed Activities

Policy

When considering whether any licensable activity should be permitted, on receipt of any relevant representations, the Authority will assess the likelihood of it causing unacceptable adverse impact, particularly on local residents, by considering the following factors amongst other relevant matters:

- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises, which should have customer entrances on the principal pedestrian routes;
- the cumulative impact of licensed premises in an area;
- the scope for mitigating any impact;
- how often the activity occurs.

and, in considering any application for a premises which is already licensed, the Authority will take into account any evidence:

- of past demonstrable adverse impact from the activity, especially on local residents;

or

- that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate the adverse impact. If, however, such measures have not been put into effect or there has been insufficient time to assess them, this could impact on the determination of the application;

or

- of past history of the premises, where there have been no relevant complaints or problems.

Reason

The prime purpose of this part of the policy is to achieve the licensing objective of preventing public nuisance. In furtherance of this aim the policy lists particular matters that the Authority will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents:

- The precise nature of the activity, especially for entertainment, will be a factor in considering the impact, principally in terms of the age and orderliness of the customers.
- Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower.
- The Authority's preference is to see licensed activities located in places where customers are not reliant on private car use, and can walk or use public transport. The Borough varies considerably. In town centres, a high use of public transport could be expected by the customers of licensed premises but, even there, car use is likely to increase when activities go on very late. Consequently, there could be unacceptable parking and traffic in nearby residential areas.
- The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. It would not be appropriate, for instance, to have licensed activities which cause large numbers of people to exit into a residential area as opposed to a situation where pedestrian movement takes place directly to and from nearby public transport services.
- Car parking by customers of licensed premises can be a serious problem. This affects local residents in terms of noise and their ability to find a parking space, particularly after the hours when any controlled parking zones are in operation. It can also affect the movement of essential traffic on primary routes and delay bus and emergency services. When considering the possible impact on residents, the Authority will look at the area within which the impact could be experienced, in particular the likely distance at which most customers arriving by car would seek to park. The potential parking area for major entertainments can be substantial.

With any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed. In accordance

with Government advice, the decisions taken by the Authority will obviously be focused on matters within the control of individual licensees, and others granted relevant permissions, and the steps they can take to achieve the licensing objectives. Accordingly, these matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of public living, working or engaged in normal activity in the area concerned.

In taking its decisions the Authority accepts the difficulty a licence holder has in preventing anti-social behaviour by individuals, once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses. Furthermore it will also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the Borough.

The aim of the policy is, therefore, to achieve a balanced approach to these difficult issues.

12.5 **Cumulative Impact**

The Authority recognises that the issue of Cumulative Impact is relevant to the Licensing Objective to prevent Public Nuisance. However the Authority's Policy in respect of Cumulative Impact is outlined in paragraph 10.3.

12.6 **Special Saturation Policy**

The Authority recognises that Special Saturation Policies are relevant to the Licensing Objective to prevent Public Nuisance. However the Authority's Policy in respect of Special Saturation Policies is outlined in paragraph 10.4.

13.0 **LICENSING OBJECTIVE – PROTECTION OF CHILDREN FROM HARM**

13.1 **Children**

Policy

The Authority recognises that the Act allows for the free access of children to all licensed premises, subject to the licensee's discretion and any conditions applied to the licence. There is also the proviso that children under the age of 16 must be accompanied by an adult over the age of 18 on premises licensed to sell alcohol.

The Authority will not impose any conditions which specifically require access for children to be provided at any premises. Under normal circumstances access by children will remain a matter for the discretion of the individual licensee or club, subject to there being no conflict with the licensing objective to protect children from harm.

When considering applications for premises licences, the Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children. For example:

- Where there have been convictions of members of the current staff for serving alcohol to minors or with a reputation for underage drinking
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises, or
- Where entertainment of an adult or sexual nature is commonly provided

In these circumstances, conditions may be attached to any licence to:-

- Limit the hours when children may be present
- Restrict the age of persons allowed on a premises
- Limit or exclude when certain activities may take place, or
- Require an accompanying adult.

In premises showing films a mandatory condition will restrict access only to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Authority.

Where large numbers of unaccompanied children are likely to be present, for example, a children's show or pantomime, conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and protection from harm.

For the purpose of this policy, the Licensing Authority recognises the following body as "the responsible body" to advise on matters relating to the protection of children from harm:

Rochdale Borough Council Safeguarding Children Unit
Number One Riverside
Smith Street
Rochdale
OL16 1XU

Reason

These policies are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are "user friendly" for children, but also to ensure that they are adequately protected.

13.2 Sex- Related Activities

The Authority recognises that the provision of sex related activities is relevant to the Licensing Objective to protect Children from Harm. However the Authority's Policy in respect of provision of sex-related activities is outlined in paragraph 10.5.

13.3 Proof of Age

The consumption of alcohol by people under the age of 18 is a serious problem that the Authority is keen to address. Licensees are, therefore, encouraged to seriously consider the adoption of a policy within their Operating Schedule for the production of proof of age by young people attempting to purchase alcohol. It is suggested that any

scheme adopted should comply with the PASS accreditation system, and should include passports and photo-driving licences.

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Other Important Information



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14.0 PLANNING AND LICENSING

- 14.1 There are a number of key differences between licensing and planning control. Licensing is concerned with the operation and management of the premises whereas planning control relates to the use of the premises.
- 14.2 The Licensing Authority recognises that there should be a clear separation of the licensing, planning and building controls to avoid duplication and inefficiency. Licensing applications should not be seen as a re-run of any planning application. Licensing Committees are not bound by decisions made by a planning committee and vice versa.
- 14.3 The granting of a premises licence does not negate the need to obtain the appropriate planning permission and/or building control approval.
- 14.4 When exercising its licensing functions, the Licensing Authority will not be influenced by a question of need, unless there is a Cumulative Impact Policy in place for the area in which the premises is situated. The issue of whether or not there is a need for a particular premises is a commercial matter and not relevant to the Licensing Authority's considerations.
- 14.5 There may be circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensed hours, the earlier closing time must be observed. Any premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 14.6 Building Regulations govern a variety of issues which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities.

15.0 PROVISIONAL STATEMENTS

- 15.1 The Authority recognises that in certain situations businesses and developers need to have security that a premises licence is likely to be granted following construction of new premises or alteration of existing unlicensed premises.

The Authority will issue provisional statements in accordance with the Act and guidance.

16.0 ENFORCEMENT

- 16.1 If the need arises enforcement action will be taken in accordance with the Authority's agreed Enforcement and Prosecution Policy.

A protocol on the implementation of a shared enforcement role between the Authority, GMP and other agencies has been agreed by all parties.

In general terms, enforcement will be targeted on agreed problem, and high-risk, premises/activities which require greater attention. Premises which are well run and managed, and therefore present a lower risk, will enjoy a greater degree of self-regulation.

17.0 CONDITIONS

- 17.1 The Authority will, as far as it is possible to do so, avoid imposing disproportionate and over-burdensome conditions on premises. The Authority does not propose to implement standard conditions of licence across the board, but instead will draw upon the Model Pools of Conditions issued by the Home Office and attach conditions as appropriate given the circumstances of each individual case, where relevant representations are received.

The Authority reserves the right to *require* the use of Door Supervisors, in appropriate cases, in order to support the Licensing Objectives.

The Authority accepts the principle that conditions should not be imposed on licences to deal with issues that can be the subject of enforcement using existing legislation.

18.0 SPECIAL OCCASIONS

- 18.1 The Authority will follow any licensing hours orders made by the Secretary of State as regards to any special occasion.

19.0 PREMISES LICENCES

- 19.1 The Authority expects that, *normally*, there will be at least one Personal Licence holder on any licensed premises when alcohol is being sold or supplied.

The Authority also expects that, *normally*, premises providing entertainment, eg public houses, nightclubs, theatres, cinemas, etc, will have maximum capacities stated on the licences, to assist in the achievement of public safety, unless their Operating Schedules satisfy the Responsible Authorities that maximum capacities are not necessary. Such premises will also need to consider the provision of sufficient, adequately-trained first-aiders.

If it is intended to provide “special-risk” entertainments, which involve pyrotechnics, smoke, vapour, strobe lighting, lasers, etc., then it will be expected that these would be taken into account within the Operating Schedule.

20.0 CLUB PREMISES CERTIFICATES

- 20.1 The Act recognises that premises, to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason, it preserves aspects of earlier alcohol licensing law as it applied to “registered members clubs”. These clubs are organisations where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members of the organisation for supply in that context.
- 20.2 Clubs have traditionally not been “licensed” because “sales” do not take place there. The grant of a club premises certificate means that a qualifying club is entitled to certain benefits. These include:

- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;
 - the absence of a requirement to specify a designated premises supervisor;
 - more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public;
 - the club premises not being subject to police powers of instant closure on grounds of disorder and noise nuisance (except when being used under the authority of a temporary event notice or premises licence) because they operate under their codes of discipline and rules which are rigorously enforced; and
 - not being subject to potential orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected.
- 20.3 Previously, registered members clubs also enjoyed another privilege of being outside the normal licensing regime: the freedom to sell alcohol to minors and allow them to consume it on the club premises. Although in recent years most clubs have operated voluntary rules which prohibit sales and supply of alcohol to those under 18 years old, the Act has removed this privilege and the sale or supply of alcohol to children in such clubs is now unlawful.
- 20.4 The new authority for the supply of alcohol, and provision of other licensable activities on qualifying club premises, is a club premises certificate and this is issued by the Licensing Authority.
- 20.5 The arrangements for applying for, or seeking to vary, club premises certificates are extremely similar to those in respect of a premises licence. Club Operating Schedules prepared by clubs, as with Operating Schedules for premises licences, must include the steps the club intends to take to promote the licensing objectives. These will be translated into conditions included in the certificate, unless the conditions have been modified by the Licensing Authority, following consideration of relevant representations by responsible authorities or interested parties.
- 20.6 The legislation detailing the statutory qualifying conditions for clubs is provided at Appendix C.

21.0 TEMPORARY EVENT NOTICES (TENS)

- 21.1 If a licensable activity is planned to take place on non-licensed premises, the organiser can submit a Temporary Events Notice (TEN). A TEN can also be used to include additional licensable activities or alter the hours of operation on licensed premises. They can cover any period up to 168 hours. A TEN has to be served on the Police, Environmental Health and the Licensing Authority at least 10 working days prior to commencement of the event, a longer period is preferable wherever possible. There is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least 10 working days away and there must be at least 24 hours between events. Only the Police and Environmental Health can object to a TEN.
- 21.2 Standard TENS must be given a minimum of 10 working days prior to the first day of the event and the Licensing Authority recommend that wherever possible notice-givers submit their TEN a **minimum of 28 days prior** to the commencement of the event. There is provision for making an application for a late TEN. Such applications may be made no earlier than 9 working days before the event and no less than 5

working days before the event. The Licensing Authority understands this to mean 9 or 5 clear days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

- 21.3 Where one or more of the relevant statutory limits are exceeded, the Licensing Authority will serve a Counter-Notice to prevent the licensable activities from going ahead. There is no provision under the Act to appeal against the issue of a Counter-Notice.
- 21.4 Greater Manchester Police or the Council's Environmental Health service can issue an objection notice. The Licensing Authority will consider any such notice at a hearing (unless the objection notice is withdrawn before the hearing date). The hearing will be confined to consideration of the Licensing Objectives and will be held in accordance with the procedure. There is no provision for a hearing in the case of a late TEN.
- 21.5 The Licensing Authority will notify the applicant of its decision at least 24 hours before the beginning of the event period specified in the temporary event notice. Depending on the nature and location of such events, these can have serious crime and disorder implications. Whilst accepting that the statutory notification period is a minimum of 10 days organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Authority to work with them.

22.0 LATE NIGHT LEVY

- 22.1 The Police Reform and Social Responsibility Act 2011 introduced Late Night Levies. A Late Night Levy (LNL) enables Licensing Authorities to raise a contribution towards the costs of policing the Night Time Economy by charging a levy on holders of Premises Licences and Club Premises Certificates authorised to sell alcohol.

It would apply across the whole Borough and be applicable to any premises licensed to operate from a fixed time between 00.00 hrs – 06.00 hrs.

Any consideration for the introduction of a LNL would be the subject of separate formal consultation and, if it is to be introduced, must be adopted at a meeting of the full Council.

23.0 EARLY MORNING RESTRICTION ORDERS

- 23.1 The Police Reform and Social Responsibility Act 2011 also introduced Early Morning Restriction Orders (EMRO) which is a power enabling the Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of midnight and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 23.2 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 23.3 The Licensing Authority may consider whether an EMRO is appropriate once all other avenues to resolve problems associated with licensed premises and the

promotion of the licensing objections have been exhausted. The EMRO can only be an appropriate step to promote the licensing objectives on the basis that it is reasonable, justified and proportionate in the circumstances.

24.0 SUSPENSION OF PREMISES LICENCES/CLUB PREMISES CERTIFICATES

- 24.1 The Licensing Authority is required to suspend a Premises Licence or Club Premises Certificate if the annual fee has not been paid when it is due. Where a Premises Licence or Club Premises Certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension will be lifted immediately upon payment of the fee and the licensable activities can be resumed.

25.0 PERSONAL LICENCES

- 25.1 The Authority recognises it has very little discretion regarding the granting of personal licences. In general, provided an applicant has a qualification determined by the Home Office and does not have certain criminal convictions, the application must be granted. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the police and relevant authorities in the fight against crime. Granting a licence to a person with a criminal history may in some cases undermine rather than promote the crime prevention objective.
- 25.2 If an applicant has a relevant conviction the police can oppose the application. If an objection is lodged by the police, a Licensing Sub-Committee will be held. The Licensing Sub-Committee will consider carefully whether the grant of the licence will be in conflict with the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), whether the conviction is classed as spent under the Rehabilitation of Offenders Act 1974 (as amended) the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Authority will only grant the application if it is satisfied that doing so will promote this objective. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime.
- 25.3 Under the Deregulation Act 2015, any Personal Licence falling for **renewal** on or after 1st April 2015 will **not** now require to be renewed. Personal Licences will now remain in force indefinitely, unless surrendered, forfeited etc.

26.0 ADULT ENTERTAINMENT

- 26.1 Rochdale Borough Council has adopted the provisions of Schedule 3 Local Government [Miscellaneous Provisions] Act 1982 and has a separate policy which relates to adult entertainment venues and activities. Therefore, additional licences may be required under separate legislation for sexual entertainment venues.

27.0 THE LICENSING PROCESS

- 27.1 The duties of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-committee or by one or more officers, acting under authority delegated to them by the Authority. The scheme of delegations of licensing functions under the Act can be found at Appendix B.

- 27.2 It is expected that many of the functions of the Authority will be largely administrative in nature, with no perceived areas of contention. In the interests of efficiency and cost-effectiveness these will, for the most part, be carried out by officers.
- 27.3 The Authority will expect applicants to address the Licensing Objectives in their Operating Schedules, having regard to the type of premises, the licensable activities proposed, the operational procedures, the nature of the location and the needs of the local community.
- 27.4 Applicants are also encouraged to make themselves aware of any relevant planning and transport policies, tourism and cultural strategies or local crime and disorder strategies, and to have taken these into account, where appropriate, in the formulation of their Operating Schedules.
- 27.5 The Authority will have regard to Guidance issued by the Home Office when determining applications. In particular, account will be taken of the need to encourage and promote live music, dancing and similar activities for the wider cultural benefit of the community as a whole, including such diverse art forms as street entertainment and circuses. If representations are made concerning the potential for disturbance in a particular neighbourhood, then those concerns will be carefully balanced against the wider benefits to the community.
- 27.6 When attaching conditions to a licence, the Authority will be aware of the need to avoid, as far as possible, measures which might deter live music, dancing or theatre through the imposition of substantial indirect costs. It will also monitor the impact of licensing on regulated entertainment, particularly live music and dancing.

Appendices



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APPENDIX A – CONSULTEES AND RESPONSIBLE AUTHORITIES

Consultees

Greater Manchester Police
Greater Manchester Fire Service
RMBC – Children Safeguarding Unit
RMBC – Environmental Health Service
RMBC – Development Control Service
RMBC – Public Health Department
Pub and Club Watch On Line
Mark Foxley (Chairman of the Rochdale Pub and Club Watch)
J W Lees
Rochdale Safer Communities Partnership
Rochdale Cultural Trust
Manchester Golf Club (representative of local holders of club certificates)
Hopwood Unionist Club (representative of local holders of club certificates)
Rochdale Federation of Tenants and Residents Association (bodies representing local businesses and residents)
Rochdale Councillors
Heywood, Middleton and Rochdale Primary Care Trust
Rochdale Development Agency
Amber Taverns
Nectar Taverns
Amber Marketing Ltd
Rochdale Law Association
Bermans Solicitors
Berwin Leighton Pasiner
Bevan Brittan
Blake Laphorn Tarlo Lyons
Bond Pearce LLP
Browne Jacobson LLP
Camden Management Services Ltd
Cobbetts
Cripps Harries Hall LLP
Chinese Business Support
County Estates Management (Pubs) Ltd
Cross Partnership
Daniel Hurd Associates
Davies Wallis Foyster
E.A.D Solicitors LLP
Edwards Geldard Solicitors
Forbes Solicitors
Ford & Warren
Fraser Brown Solicitors
Freeth Cartwright LLP
Forshaw Davies Solicitors
George Davies Solicitors
Gosschalks Solicitors
Gordons LLP
Harrison Clark LLP
Greens Solicitors
Hillyer McKeown Solicitors
Hammonds
Inncourt

Hall & Co
Shoosmiths
John Gaunt & Partners
JMC Licensing
Joelson Wilson LLP
JST Lawyers
Keoghs Solicitors
Kuit Steinart Levy Solicitors
Kenneth Curtis & Co
Locking Solicitors
Lockett & Co
Maitland Walker Solicitors
Lawrence Graham LLP
Licensed Solutions Ltd
Lees Solicitors
Licensing Legal
Lin & Co Solicitors
M & G Cooley Partnership
Lunn Groves
Matrix Solicitors
McClellan's Solicitors
Nick Dickinson Licensing Ltd
Next Legal Dept.
Norton & Co Solicitors
Pearson Hincliffe Solicitors
Pinsent Masons
Popleston Allen
Ricksons Solicitors
Rasiah & Co
Steels
Sherrards Solicitors
Stephenons Solicitors
Silver Fox (Licensing) Consultants Ltd
Trethowans
TLT Solicitors
Tubervilles Solicitors
Winckworth Sherwood
Waldron & Schofield
W Licensing Ltd
Anthony Collins LLP
Crutes LLP
Halsalls
David Scholes Solicitors
Hill Dickinson
LESG (Licensing) Co Ltd
The Bold Pub Company
Wolverhampton & Dudley
The Coach House Brewing Co Ltd
Hardy's & Hansons PLC
G & J Greenall
Greene King Retailing Ltd
Joseph Holt Ltd
Hyde's Brewery
Marston's PLC
Frederic Robinson Ltd

Compass Contract Services (UK) Ltd
Scottish & Newcastle Pub Company Ltd
County Estates Management (Pubs)
Demar Services Ltd
Dingle Bank Management Co Ltd
Discount Booze Ltd
Dpp Restaurants Ltd
Farlane Property Group Ltd
Freshway
GP Retail Services Ltd
Licensing Department Lidl UK GmbH
Bargain Booze Head Office
Punch Taverns PLC
Pubfolio Ltd
Young & Smith Ltd
Tesco Licensing Team
Zoe Orford Ltd
Association of Convenience Stores (ACS)
Association of Licensed Multiple Retailers
Association of Town Centre Managers
British Board of Film Classification (BBFC)
British Beer & Pub Association (BBPA)
British Institute of Inn Keeping (BIi)
British Retail Consortium (BRC)
Department for Culture, Media & Sport
Cinema Exhibitor's Association (CEA)
Equity
Independent Street Arts Network
Institute of Licensing (IOL)
Licensed Victuallers Associations (LVAs)
National Pub Watch
National Association of Local Government Arts Officers
NOCTIS
Daniel Thwaites PLC
Mitchells & Butlers Leisure Retail Ltd
JD Wetherspoon PLC
Co-Operative Group Ltd
Admiral Taverns Ltd
ASDA Stores Ltd
Aldi Stores Ltd
Enterprise Inns PLC
Flint Bishop Solicitors

Responsible Authorities (Under the Act)

<p>Beverley Wilkinson Rochdale Borough Council Licensing Service Number One Riverside Smith Street Rochdale OL16 1XU Tel: 01706 924114 Email: licensing.reg@rochdale.gov.uk</p>	<p>Umer Khan Greater Manchester Police Divisional HQ The Holme The Esplanade Rochdale OL16 1AG Tel: 0161 872 5050 Email: umer.khan@gmp.police.uk</p>
<p>Clive Smith GM Fire & Rescue Service Rochdale Central HQ Rochdale Fire Station Halifax Road Rochdale OL12 9BD Tel: 01706 900110 Email: rochdalelic@manchesterfire.gov.uk</p>	<p>Louise Dent Rochdale Borough Council Environmental Health Noise Nuisance Service Number One Riverside Smith Street Rochdale OL16 1XU Tel: 01706 924137 Email: louise.dent@rochdale.gov.uk</p>
<p>Gary Parkinson Rochdale Borough Council Environmental Health, Health & Safety Service Number One Riverside Smith Street Rochdale OL16 1XU Tel: 01706 924138 Email: gary.parkinson@rochdale.gov.uk</p>	<p>Rochdale Borough Council Planning Service Number One Riverside Smith Street Rochdale OL16 1XU Tel: 01706 924134 Email: development.control@rochdale.gov.uk Development.controlenforcement@rochdale.gov.uk</p>
<p>Rochdale Borough Council Safeguarding Children Unit Number One Riverside Smith Street Rochdale OL16 1XU Tel: 01706 925395 / 925359 Email: joy.barlow@rochdale.gov.uk louise.hurst@rochdale.gov.uk</p>	<p>Clare Whittle Rochdale Borough Council Trading Standards Service Number One Riverside Smith Street Rochdale OL16 1XU Tel: 01706 924167 Email: clare.whittle@rochdale.gov.uk</p>
<p>Wendy Meston Public Health Number One Riverside Smith Street Rochdale OL16 1XU Tel: 01706 652839 Email: wendy.meston@rochdale.gov.uk</p>	

APPENDIX B – EXERCISE AND DELEGATION OF FUNCTIONS

The Council Constitution delegates the governance arrangements in respect of the Licensing Act 2003 to the Licensing Sub-Committee except Policy issues which are reserved to Council by the Act. The delegated functions are exercised in accordance with this table:

Matter to be dealt with	Licensing Sub-Committee	Officers
Application for personal licence	If a representation is made	If no representation is made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a representation is made	If no representation is made
Application for provisional statement	If a representation is made	If no representation is made
Application to vary designated personal licence holder	If a police representation	All other cases
Request to be removed as a designated personal licence holder		All cases
Application for transfer of premises licence	If a police representation	All other cases
Application for Interim Authorities	If police representation	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc		All cases

Decision to object when local authority is a consultee and not the lead authority		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of an application to vary premises licence at community premises to include alternative licence condition	If police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of application for minor variation		All cases
Application for review by Licensing Authority		All cases

APPENDIX C – STATUTORY QUALIFYING CONDITIONS FOR CLUBS

The following qualifying conditions for clubs are extracted from the Licensing Act 2003.

62 The general conditions

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.
- (2) Condition 1 is that under the rules of the club persons may not —
 - (a) be admitted to membership, or
 - (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
- (3) Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- (4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).
- (5) Condition 4 is that the club has at least 25 members.
- (6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

63 Determining whether a club is established and conducted in good faith

- (1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).
- (2) Those matters are —
 - (a) any arrangements restricting the club's freedom of purchase of alcohol;
 - (b) any provision in the rules, or arrangements, under which —
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
 - (c) the arrangements for giving members information about the finances of the club;
 - (d) the books of account and other records kept to ensure the accuracy of that information;
 - (e) the nature of the premises occupied by the club.
- (3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

64 The additional conditions for the supply of alcohol

- (1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.
- (2) Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members:

- (a) are members of the club;
- (b) have attained the age of 18 years; and
- (c) are elected by the members of the club.

This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).

- (3) Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- (4) Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from —
 - (a) any benefit accruing to the club as a whole, or
 - (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

65 Industrial and provident societies, friendly societies etc.

- (1) Subsection (2) applies in relation to any club which is —
 - (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12)(see section 74(1) of that Act),
 - (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act), or
 - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).
- (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that:
 - (a) the purchase of alcohol for the club, and
 - (b) the supply of alcohol by the club,
 are under the control of the members or of a committee appointed by the members.
- (3) References in this Act, other than this section, to —
 - (a) subsection (2) of section 64, or
 - (b) additional condition 1 in that subsection, are references to it as read with subsection (1) of this section.
- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly —
 - (a) the premises of the society are to be treated as the premises of a club,
 - (b) the members of the society are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.
- (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions —
 - (a) condition 3 in subsection (4) of section 62,
 - (b) condition 5 in subsection (6) of that section,
 - (c) the additional conditions in section 64.
- (6) In this section “incorporated friendly society” has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

66 Miners' welfare institutes

- (1) Subject to subsection (2), this Act applies to a relevant miners' welfare institute as it applies to a club, and accordingly —
 - (a) the premises of the institute are to be treated as the premises of a club,
 - (b) the persons enrolled as members of the institute are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the trustees or managers in carrying on the institute is to be treated as done by or on behalf of the club.
- (2) In determining for the purposes of section 61 whether a relevant miners' welfare institute is a qualifying club in relation to a qualifying club activity, the institute is to be taken to satisfy the following conditions —
 - (a) condition 3 in subsection (4) of section 62,
 - (b) condition 4 in subsection (5) of that section,
 - (c) condition 5 in subsection (6) of that section,
 - (d) the additional conditions in section 64.
- (3) For the purposes of this section —
 - (a) "miners' welfare institute" means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular), and
 - (b) a miners' welfare institute is "relevant" if it satisfies one of the following conditions.
- (4) The first condition is that —
 - (a) the institute is managed by a committee or board, and
 - (b) at least two thirds of the committee or board consists —
 - (i) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more licensed operators within the meaning of the Coal Industry Act 1994 (c. 21), and
 - (ii) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more organisations representing persons employed in or about coal mines.
- (5) The second condition is that —
 - (a) the institute is managed by a committee or board, but
 - (b) the making of —
 - (i) an appointment or nomination falling within subsection (4)(b)(i), or
 - (ii) an appointment or nomination falling within subsection (4)(b)(ii), is not practicable or would not be appropriate, and
 - (c) at least two thirds of the committee or board consists —
 - (i) partly of persons employed, or formerly employed, in or about coal mines, and
 - (ii) partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952 (c. 23).
- (6) The third condition is that the premises of the institute are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) applies.

APPENDIX D – THE HYPNOTISM ACT 1952

Conditions

1. The artiste shall be competent in the inducement of, and reversal of, a state of hypnosis.
2. No exhibition, demonstration, or performance of hypnotism shall involve any person under the age of 18 years.
3. The exhibition, demonstration or performance of hypnotism shall not, either directly or indirectly, induce, suggest to, or direct any person to behave in a manner which is either -
 - a) obscene, indecent, or offensive, and/or
 - b) aggressive, and/or
 - c) demeaning to an extent which would be unacceptable to the ordinary common person.
4. Any form of induced sleep or trance, under which any person is placed in the course of the exhibition, demonstration, or performance of hypnotism, shall be fully reversed immediately after that person's part in the exhibition, demonstration, or performance is concluded.
5. These Conditions form part of the authorisation, and shall be monitored/enforced by a responsible member of the management of the premises.
6. The hypnotist must produce satisfactory evidence of current Public Liability Insurance cover, (to a minimum level of £1,000,000), to the management of the venue prior to the performance taking place.