



Licensing Policy Statement

2011 - 2014

Any queries regarding this policy should be addressed to:

The Licensing Manager

Wigan Council

Town Hall

Library Street

Wigan

WN1 1YN

Telephone: 01942 827114

Email: Licensingact2003@wigan.gov.uk

Licensing Policy Statement

Contents

	Page No.
Foreword	1
Summary of Proposals	3
Chapter 1 Introduction	6
Chapter 2 Where is Wigan and What's It Like?	8
Chapter 3 The Wigan Way	9
Chapter 4 Steps to Promote the Licensing Objectives	13
Chapter 5 Appeals	25
Chapter 6 Problem Premises	27
Chapter 7 Administration, Exercise and Delegation of Functions.	30
Glossary of Terms	32
Appendices	
Appendix 1 Personal Licences, Premises Licences, Designated Premises Supervisor, Club Premises Certificate & Temporary Event Notices.	37
Appendix 2 The Statutory, National, Regional and Local Context for the Licensing Policy Statement.	46
Appendix 3 Annex D of the revised Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003.	59
Appendix 4 Contact Details.	76

Foreword

Since 25th November 2005 Wigan Council has been the licensing authority for the purposes of the Licensing Act 2003. Under the provisions of that Act it is responsible for the administration and issue of premises licences, personal licences, temporary event notices, club premises certificates and provisional statements. In addition it is responsible with the Police for the enforcement of the legislation and ensuring compliance with the conditions on licences / certificates and also the provisions of the Act itself.

The Licensing Act requires the Council in respect of each three year period to determine and publish its policy with respect to the exercise of licensing function, and this policy covers the period from 2011 -2014.

This Statement of Licensing Policy sets out the approach that Wigan Borough Council intends to take during that period in carrying out its licensing duties under the Licensing Act. The Policy covers the sale of alcohol to the public, the supply of alcohol to members of a club, the provision of regulated entertainment, and the provision of late night refreshment within this Borough. It also identifies how the Council when carrying out its licensing duties will seek to promote the four 'licensing objectives' referred to in the Act, namely:-

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

We hope that this Policy Statement provides practical guidance to local residents, visitors and businesses - large and small - on licensing matters in Wigan Borough.

The Council will continue to work in close partnership with individuals and organisations having a responsibility under the Licensing Act 2003. This includes organisations such as the Police and Fire Service, licensees and certificate holders, businesses, residents and their representatives so that the whole community is involved in the future of licensing in the Borough.

At present there are some 1,060 or so businesses which have either a premises licence or a club premises certificate and about 2,180 or so people who hold a personal licence issued by the Council. The licensed premises include pubs, off-licences, night-clubs; political, sporting and social clubs; cinemas, theatres; restaurants, late night cafes and take-aways. All of these provide a wide range of leisure and cultural services providing employment and enjoyment for many thousands of people.

The Council will continue to encourage the retail, hospitality and leisure industry to flourish and continue to be a major asset to the local economy. At the same time, the Council is aware of the crime and disorder and noise nuisance problems that can sometimes affect residents living close to licensed premises. As such it will always try to balance the legitimate business aspirations of applicants and licensees, the leisure and cultural interests of customers and the reasonable expectation of local residents to a peaceful existence in their own homes and neighbourhoods.

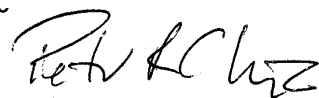
It is sometimes difficult to achieve this balance and satisfy all those competing interests. However, we will continue to encourage all of those involved in the licensing process to work together in a spirit of co-operation, partnership and mutual understanding. In spite of

these potential problems, the Council warmly welcomed this new licensing regime when it was introduced in 2005 and said that it would do all it could to act in a fair and equitable way. To date we consider that we have achieved that aim and will continue to strive to do so.

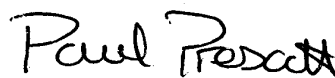
We strongly believe that linking this Licensing Policy Statement to other local strategies such as those for crime prevention, planning, transport, tourism, equality and diversity and culture has allowed us to take a more holistic approach in dealing with this licensing regime than was previously possible.

When we took over responsibility for this area of licensing we said that we would endeavour to co-ordinate and manage an efficient and effective licensing system, which achieves and maintains the objectives of the Licensing Act 2003 for the benefit of the whole community. To date we think that overall we have been successful in our approach. Where our attention has been drawn to problems involving any licensed premises we have reacted quickly and, sometimes in conjunction with other agencies, have generally been able to resolve issues of concern informally. In that respect we would like to thank the residents and businesses and responsible authorities for giving us the opportunity to try to resolve their problems in that manner and also the licence holders for their positive response when problems have been drawn to their attention. We hope that we will continue to see such co-operation in the future.

Signed:



Lord Smith of Leigh
Leader of the Council



Councillor P Prescott
Portfolio Holder for
Licensing and Regulation

Summary of Proposals

1. The Council is required by the Licensing Act 2003 to produce every three years a Statement of Licensing Policy, which sets out how it will exercise its licensing functions in respect of applications for the retail sale of alcohol, the supply of alcohol to members of a club, the provision of regulated entertainment and the provision of late night refreshment in the Wigan Borough area. The following is a summary of the key provisions of the Council's Licensing Policy Statement.
2. The Policy explains the approach the Council intends to take in order to meet the four licensing objectives stated in the Act as follows:-
 - (1) **the prevention of crime and disorder;**
 - (2) **public safety;**
 - (3) **the prevention of public nuisance; and**
 - (4) **the protection of children from harm.**
3. In the Policy, the Council points out that it has for some time recognised that longer, more flexible trading hours can contribute to easing crime and disorder problems by ensuring that large numbers of customers do not leave licensed premises at the same time. This often helps reduce congestion at taxi ranks and late night fast-food outlets. The policy does not therefore set fixed trading hours although the Council recognises that stricter conditions for example with regard to noise control may need to be applied in more densely populated residential areas.
4. The Policy does not impose fixed limits of the number of licensed premises which seek to predetermine the individual merits of a licensing application. At present the Council is not satisfied that it is appropriate and necessary to adopt a special policy of refusing new licences in any particular area of the Borough. The Council has not received evidence to support the introduction of a special saturation policy. However, this will be kept under review.
5. The Policy does not seek to artificially introduce staggered closing times. Shops and supermarkets will generally be permitted to sell alcohol at any time during their normal trading hours unless there are very good reasons for restricting those hours.
6. The Act gives licensed premises the opportunity to operate for longer periods. However, with these opportunities come additional responsibilities and the Council will have regard to its obligations under Section 17 of the Crime and Disorder Act 1988 when dealing with licensing applications. That law places a duty on the Council to do all it reasonably can to exercise its functions with due regard to the likely effect on crime and disorder and the need to prevent it.
7. The Policy also points out that the Council will bear in mind its powers to make a closure order under the Anti-Social Behaviour Act 2003. That power can be used if it reasonably believed that a public nuisance is being caused by noise coming from licensed premises or premises subject to a temporary event notice and their closure is necessary to prevent that nuisance.
8. The Council welcomes proposals that enhance the range of cultural and entertainment opportunities available to as wide a range of age groups as possible. The Council recognises that as part of implementing local cultural strategies, proper account

should be taken of the need to encourage and promote live music and dancing for the wider cultural benefit of the community.

9. The Council seeks to encourage the provision of theatre and the dramatic and performing arts in the Borough. It also welcomes proposals to promote films which are on general release and appeal to mass audiences as well as those on more limited release that may appeal to smaller audiences.
10. The Council also welcomes proposals for the provision of regulated entertainment which does not involve the sale and supply of alcohol or to which such sale and supply is genuinely ancillary so as to offer wider choice of entertainment to local residents and visitors.
11. The Council recognises that there is relatively little provision or variety for entertaining young people and that this can be a factor in the anti-social behaviour and youth related disturbances that cause problems for local residents and businesses. It welcomes proposals for the provision of regulated entertainment for persons under 18 years of age.
12. The Council welcomes proposals for the provision of late-night restaurants in our town centres.
13. The Council does not seek to limit the access of children to licensed premises unless it is necessary for the prevention of harm to children. The wide range of premises that require licences means that children can be expected to visit many of these, often on their own for food or entertainment.
14. Crime and disorder associated with licensed premises can cause significant concern to licence holders, customers and the community. The Policy identifies key areas of concern, such as drugs, alcohol-related crime and inappropriate marketing and promotion of alcohol, now covered by mandatory licensing conditions, (which can lead to binge drinking) as issues licence holders need to consider.
15. The Policy considers the implications of nuisance on the local community and customers, including noise from the licensable activities, noise from those attending, vibration from the activity, noxious smells, light pollution, and accumulations of rubbish and litter.
16. The Policy outlines when conditions will be imposed and what is expected to be included in operating schedules.
17. The Policy points out that in determining applications the Council will consider each case on its individual merits.
18. The Council expects that in the majority of cases it will not receive representations about the effect of an applicant's proposals on one or more of the licensing objectives. In these cases the Council will grant the licence subject to conditions which reflect the applicant's proposals and any mandatory conditions.
19. Where the Council does receive relevant representations it will seek to focus on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. The Council will

therefore grant the application if it can do so subject to such conditions considered necessary to promote the four licensing objectives and any mandatory conditions. Such conditions will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Alternatively, the Council may decide to exclude a particular licensable activity or reject the application if it considers it necessary to do so to promote the four licensing objectives.

20. The Policy sets out the way that the Council will integrate the licensing policy with other national, regional and local strategies in order to promote the licensing objectives.
21. The Policy points out that the Council intends to extend its joint enforcement protocol with Greater Manchester Police which is based on risk assessments and which aims to co-ordinate inspections and the deployment of enforcement resources. The protocol also deals with our shared responsibility for enforcing the law in relation to the sale of alcohol to underage persons. The Council in carrying out its duties in relation to regulatory inspections and enforcement is always mindful of the principles set out in the Hampton Review.
22. The Policy points out that the Council will expect premises to be properly controlled and managed by responsible operators. This should prevent or at least minimise significant problems (frequently of the types referred to in paragraphs 14 and 15 above) being caused to any other groups involved in the licensing process including residents. However, the Council has worked and will continue to work closely with responsible authorities and will intervene where the provision of licensable activities is carried on in a manner that does not promote the four licensing objectives.
23. Finally, the Policy points out that it will not be easy for the Council to reach a decision that satisfies everyone. However, it points out that it is hoped that all those involved in the licensing process will continue to work together in a spirit of co-operation and partnership that has existed since the Council became responsible for this area of licensing. In this respect the Policy states that regular liaison between licence/certificate/authorisation holders and local residents, local businesses and their representative organisations is to be expected.

Introduction

➤ Chapter 1

- 1.1 Section 5 of the Licensing Act 2003 requires each Licensing Authority (in this case Wigan Borough Council) in England and Wales to determine and publish its Policy Statement on the exercise of its licensing functions every three years.

Development of the Policy

- 1.2 This Policy was finalised after proper consultation with statutory consultees as required by the Licensing Act 2003 and a number of other interested parties. The views from the various parties were given proper weight. The impact of this Policy on equality and diversity has also been assessed.
- 1.3 The Policy Statement will come into effect on 7th January 2011 and will be subject to review and further consultation no later than 7th January 2014. It may be reviewed in the interim.
- 1.4 The Council had regard to the revised Secretary of State's Guidance when determining this Policy Statement.
- 1.5 In carrying out its licensing functions the Council will have regard to its Policy Statement and the revised Guidance issued by the Secretary of State.
- 1.6 The activities which require authorisation under the Licensing Act 2003 and which are covered by this Policy Statement are:-

- The retail sale of alcohol.
- The supply of alcohol to members of a club.
- The provision of regulated entertainment to the public or to members of a club including: -
 - A performance of a play;
 - An exhibition of a film;
 - An indoor sporting event;
 - A boxing or wrestling entertainment;
 - A performance of live music;
 - Any playing of recorded music;
 - A performance of dance;where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience and the provision of facilities for dancing or for making music.
- The supply of any hot food or drink between 11.00pm and 5.00am.

However, the general requirement for an authorisation is subject to various exemptions and conditions which are set out in the Licensing Act 2003.

- 1.7 The Licensing Act 2003 provides that:-

A "premises licence" will authorise premises to be used for one or more licensable activities.

- 1.8 A "personal licence" authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence;
- 1.9 A "club premises certificate" will authorise the use of club premises by a qualifying club for one or more qualifying club activities.
- 1.10 A guide to some of the relevant provisions of the Licensing Act 2003 is at Appendix 1.

Where is Wigan and what's it like?

➤ Chapter 2

- 2.1 The Borough of Wigan lies on the north west boundary of the Greater Manchester conurbation, close to Bolton and Salford in Greater Manchester, the districts of Chorley and West Lancashire in Lancashire, St. Helens in Merseyside and Warrington in Cheshire. The Borough is the largest in Greater Manchester by area at 72.64 sq. miles (188.15 sq. km) and has a population of 306,790. Further information regarding the Wigan population profile can be found on WISDOM, the Wigan Borough Partnership's Local Information System at : <http://kinnear.wigan.gov.uk/iads/>
- 2.2 There are 25 local government wards in the Borough and the Council is Labour controlled with, following the elections of May 2010, 51 Labour Members, 7 Democratic Alliance (4 Community Action, 3 Liberal Democrat), Members, 8 Conservative Members, 7 Independent Group Members and 2 Independent Conservative Members.
- 2.3 Wigan Borough has a long history as a centre for leisure and entertainment, attracting visitors from all over the country to enjoy the many facilities available. The former Wigan Casino was notable as one of the first venues in the Country to provide all night dancing. Today, the King Street area of Wigan Town Centre is the heart of the Borough's late night entertainment industry with numerous venues grouped within a very compact area.
- 2.4 The Council is aware that the hospitality and leisure industry in the Borough is a major contributor to the economy of the area. The industry attracts tourists and visitors, enlivens towns and communities and is a major source of employment. The Council knows that alcohol plays a big part in the social and recreational activities of many people living within and visiting the Borough. Equally it is aware that alcohol misuse can sometimes cause problems of crime and disorder and public nuisance.
- 2.5 According to Police statistics, Wigan Borough is among the safest place within Greater Manchester to live, work and play. This is not mere coincidence but reflects the effort put in to tackle crime and disorder issues. We currently have the 2nd lowest volume of crime among all divisions in Greater Manchester. Partnership working has been crucial in this respect and the Council has good working relationships with other agencies such as the Police and Fire and Rescue Services and the welcome co-operation of licensees of premises throughout the Borough and the security personnel used at those premises.
- 2.6 This Policy aims to support and extend that work and gives the opportunity for the Council to continue to take a holistic approach to providing an environment where a vibrant, sustainable and thriving hospitality and leisure economy can flourish. The Council wants to encourage the development of a diverse range of entertainment which is attractive to residents and visitors of all age groups and cultural backgrounds.

The Wigan Way

➤ Chapter 3

- 3.1 This Policy Statement has been developed with the aim of promoting the four licensing objectives stated in the Licensing Act 2003.
- 3.2 This Policy Statement is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The Council is firmly committed to avoiding duplication with other regulatory regimes so far as possible. In that respect, the Council has separated its planning and licensing regimes to avoid duplication and inefficiency. Planning applications are considered by the Council's Planning Committee or are delegated to officers and licensing applications will not be a re-run of planning applications.
- 3.3 The Council has found to date and expects the processing of applications for personal licences in the future to be relatively straight-forward.
- 3.4 The processing of applications for premises licences and club premises certificates is sometimes complex particularly those where the different organisations and individuals involved in the process hold different and contrasting views.
- 3.5 All applications must be in the prescribed form and include all necessary documents. These requirements are set out in Section 17 of the Licensing Act. Applications may be in writing or sent electronically via Business Link or the Council's own electronic application facility.
- 3.6 When considering applications, for new and major variations of premises licences the Council will seek to uphold the five main policy aims which underpin the 2003 Act namely:-
- the main purpose of the licensing regime is to promote the licensing objectives;
 - applicants for premises licences or for major variations of such licences are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment will inform any necessary steps to be set out in the operating schedule to promote the four licensing objectives.
 - operating schedules, which form part of an application, should be considered by professional experts in the areas concerned, such as the Police and Environmental Health Officers, when applications for premises licences and club premises certificates are copied to them by applicants;
 - local residents and businesses are free to raise relevant representations, which relate to the promotion of the licensing objectives, about the proposals contained in an application; and
 - the role of the licensing authority is primarily to regulate the carrying on of the

licensable activity when there are differing specific interests in those activities to ensure that the licensing objectives are promoted in the wider interests of the community.

- 3.7 The Council expects that in the majority of cases it will not receive relevant representations about the effect of the Applicant's proposals on one or more of the licensing objectives. In these cases the Council will grant the licence subject to conditions which reflect the applicant's proposals and any mandatory conditions.
- 3.8 Where the Council does receive relevant representations it will seek to focus on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. The Council will therefore grant the licence if it can do so subject to such conditions as are necessary to promote the four licensing objectives and any mandatory conditions.
- 3.9 The conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others granted relevant authorisations. These matters will centre on the premises and places used for licensable activities and the vicinity of those premises and places. The Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 3.10 In essence, a balancing exercise will be conducted to allow an operator to carry on licensable activities in such a way that those who would otherwise be affected by the operation are adequately protected. Alternatively, the Council may decide to exclude a particular licensable activity or reject the application if it considers it is necessary to do so to promote the four licensing objectives.
- 3.11 In determining applications the Council will consider each case on its merits with a view to promoting the licensing objectives in the overall interests of the local community, and will give appropriate weight to: -
- the representations (including supporting information) presented by all the parties;
 - the Secretary of State's revised Guidance;
 - the Council's Statement of Licensing Policy; and
 - the steps that are necessary to promote the licensing objectives.
- 3.12 If the existing law already places certain statutory responsibilities on an employer or operator of premises, the Council will not duplicate these duties through the use of licence conditions.
- 3.13 Conditions will also not be set which replicate licensing offences that are set out in the Licensing Act, for example:
- to sell or supply alcohol to a person who is drunk
 - to knowingly allow disorderly conduct on licensed premises
 - for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods

that have been imported without payment of duty or which have otherwise been unlawfully imported

- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

- 3.14 This Policy does not impose fixed quotas which seek to predetermine the individual merits of any application.
- 3.15 It is not always easy for the Council to reach a decision which satisfies all parties. However, it is hoped that all those involved in the licensing process will continue to work together in a spirit of co-operation and partnership.
- 3.16 At present, the Council is not satisfied that it is appropriate and necessary to adopt a special policy of refusing new licences in any particular area of the Borough. The Council has not received any evidence to support the introduction of such a special saturation policy. However, this will be kept under review.
- 3.17 Once an application has been granted, the Council expects the licence/certificate/authorisation holders to liaise regularly with local residents, local businesses and their representative organisations.

Live Music and Dancing

- 3.18 The Council welcomes proposals which enhance the range of cultural and entertainment opportunities available to as wide a range of age groups as possible.

The Council recognises that as part of implementing local cultural strategies, proper account should be taken of the need to encourage and promote live music and dancing for the wider cultural benefit of the community. The Council will seek to balance the potential for limited disturbance in neighbourhoods with these wider benefits, particularly for children. The Council is aware that in determining the necessary conditions that should be attached to licences and certificates for the promotion of the licensing objectives, there is a need to avoid measures which deter live music and dancing by imposing indirect and substantial costs.

Theatre

- 3.19 The Council seeks to encourage the provision of theatre and the dramatic and performing arts in the Borough including traditional and historic plays. In particular, the Borough currently lacks a major theatre or concert hall venue and the Council welcomes proposals to provide such a facility in the area.

Cinemas

- 3.20 The Council welcomes proposals to promote film exhibitions including those films which are on general release and appeal to mass audiences and those which are on more limited release and appeal to smaller audiences.

Regulated Entertainment which does not involve the sale or supply of alcohol or to which the sale and supply of alcohol is genuinely ancillary.

- 3.21 The Council welcomes proposals for the provision of regulated entertainment which does not involve the sale and supply of alcohol or to which the sale and supply of alcohol is genuinely ancillary so as to offer a wider choice of entertainment to local residents and visitors.

Regulated Entertainment for under 18s

- 3.22 The Council welcomes proposals for the provision of regulated entertainment for under 18s, provided that robust controls are in place preventing the supply and availability of alcohol or drugs at such events. At present there is relatively little provision or variety for entertaining this particular age group. This can be a factor in anti-social behaviour and youth-related disturbance which causes problems for local residents and businesses. The licensing system gives operators an opportunity to be more flexible in the entertainment they provide for younger people whilst protecting them from harm.

Late Night Restaurants

- 3.23 The Council welcomes proposals for the provision of hot food for consumption on the premises late at night i.e. late-night restaurants as distinct from cafés or take-aways, where such proposals enhance the availability and diversity of recreational opportunities particularly in our town centres.

Sex Entertainment Venues

- 3.24 The Council has resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. This schedule came into force on 1st January 2011.

The effect of this adoption is to give the Council the power to regulate any venue classified as a lap dancing club or similar venues, which have been reclassified in the Policing and Crime Act 2009, as sexual entertainment venues (SEV's) under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Steps to Promote the Licensing Objectives

➤ Chapter 4

- 4.1 The Council is mindful of its duty to promote the four licensing objectives specified in the Licensing Act 2003.
- 4.2 The Council regards the Police as the main source of advice on the steps to be taken to promote the prevention of crime and disorder objective.
- 4.3 The Council regards the Fire and Rescue Authority as the main source of advice on the steps to be taken to promote the public safety objective.
- 4.4 The Council regards its Environmental Health Service as the main source of advice on the steps to be taken to promote the prevention of public nuisance objective.
- 4.5 The Council regards Wigan Safeguarding Children Board or specified successor organisation as the main source of advice on the steps to be taken to promote the objective to protect children from harm.
- 4.6 The Council encourages applicants, having completed their own risk assessments, to consult with and obtain the views of the key Responsible Authorities when preparing the operating schedule for the premises.

The Council also encourages applicants to liaise with local residents, businesses and organisations who may be affected by the proposals when preparing the operating schedule for the premises.

- 4.7 The Council recognises that a key aim of the Licensing Act 2003 is for conditions to be attached to licences and certificates which are tailored to the individual style and characteristics of the premises and events concerned and which are necessary for the promotion of the licensing objectives in any individual case.
- 4.8 The Council expects applicants to consider the measures necessary to promote the licensing objectives and to include such measures in their operating schedules and to demonstrate how taking particular steps will promote the licensing objectives. In most cases, those measures will be incorporated as conditions in their premises licence or club premises certificate. Applicants should consider, in particular, Annex D of the revised Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State which are reproduced at Appendix 3 of this Statement. To help applicants consider the measures which may promote the licensing objectives the Council, in consultation with Responsible Authorities, has drawn up sample conditions. These are not standard conditions, but are a pool of sample conditions representing good practice in certain areas, which may be suitable in individual cases. A list of these conditions is available on the Council's website.

The Council has set out below steps which in its view may promote the four licensing objectives by reference to general issues and specific issues. The Council remains willing to consider additional steps and alternative steps to those set out which the applicant may propose. The Council also remains willing

to consider applicants' experience of best practice obtained elsewhere to promote the four licensing objectives.

In addition, in accordance with the requirements of the Licensing Act 2003 the Council will impose the mandatory conditions set out in Sections 19, 20 and 21, 73 and 74 of the Act where appropriate.

- 4.9 Further mandatory licence conditions have been introduced by virtue of the Policing and Crime Act 2009.

On 6th April 2010, the following mandatory conditions came into force and are treated as if they are included in existing licences and certificates.

- 4.10 Mandatory condition: The responsible person should be able to demonstrate that they have taken all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one which encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.

It will be for the Licensing Authority, in consultation with the licensing trade and responsible authorities, to determine whether a promotion is "irresponsible" in that it encourages people to drink more than they might ordinarily do and in a manner which does not promote the licensing objectives.

- 4.11 Mandatory condition: The responsible person must ensure that no alcohol is dispensed directly by one person into the mouth of another person. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

- 4.12 Mandatory condition: The responsible person must ensure that free tap water is provided on request to customers where it is reasonably available on the premises.

- 4.13 On 1st October 2010, the following additional mandatory conditions came into force and are to be treated as if they are included in existing licences and certificates.

- 4.14 Mandatory condition: The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

- 4.15 Mandatory condition: The responsible person shall ensure that—
(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed

container) it is available to customers in the following measures–

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

(b) customers are made aware of the availability of these measures.

Failure to comply with conditions could amount to a criminal offence punishable on conviction by a fine of up to £20,000 or 6 months imprisonment or both.

General Matters Relevant to the Carrying on of ALL Licensable Activities and Qualifying Club Activities at Licensed Premises, Club Premises and places in respect of which Temporary Event Notices have been served

Capability

- 4.16 The Council expects applicants to be capable of undertaking responsibility for the proper control and management of the licensable activity and the premises in such a way as to promote the four licensing objectives and to demonstrate how proper control and management will be achieved.

Location

- 4.17 The Council expects applicants to carefully consider the location of the premises which they wish to use for licensable activities in relation to its surroundings.

The Council expects applicants to be sensitive to the different uses to which premises are put and to demonstrate that they have incorporated sufficient measures in the operating schedule to promote the licensing objectives. This may be particularly relevant in cases where the premises for which the application is made are in a mainly residential area or are close to schools, churches, nursing homes, hospices or hospitals etc.

Crime and Disorder and Anti-Social Behaviour

- 4.18 The Council expects applicants to carefully consider the impact of their proposals on crime and disorder and anti-social behaviour and to demonstrate how they intend to avoid creating or adding to such problems in the vicinity of their premises.

Safety of Premises and the Public

- 4.19 The Council expects applicants to comply with existing legal requirements to ensure the safety of persons working at and visiting their premises. The Council does not seek to duplicate matters of law in this Policy however, it expects applicants to carefully consider the safety of the premises having regard to the particular licensable activities which are proposed to take place at those premises and to demonstrate how public safety will be achieved.

Public Nuisance

- 4.20 The Council expects applicants to carefully consider the potential of the

proposed activities to cause public nuisance, and the measures which may be implemented to avoid such nuisance. In particular, consideration should be given to: -

- trading hours;
- noise from the activities;
- noise from those attending the activities;
- vibration caused by the licensable activity;
- the emission of noxious smells;
- the effect of any external smoking areas;
- light pollution – whether flashing or particularly bright lights on or outside licensed premises could cause a nuisance to nearby properties balanced against the benefit to the prevention of crime and disorder of bright lighting in certain places;
- whether and when doors and windows at the premises should be kept closed;
- whether and when noise limiters on amplification equipment should be used;
- whether it is appropriate to display notices at exits or make announcements requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- whether the use of explosives, pyrotechnics and fireworks of a similar nature should be restricted;
- whether the placing of refuse e.g. bottles into receptacles/bins outside the premises takes place at times that will minimise the disturbance to nearby properties;
- the use of dedicated taxi services, to avoid pressure on public taxi ranks and to aid rapid dispersal from the premises.
- checks/assessments by the licence holder of noise from the activities and those attending the activities so as to prevent disturbance to people living and working in the vicinity of the premises.

Trading Hours

4.21 The Council has recognised for some time that longer, more flexible licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce congestion and friction at taxi ranks and private hire offices, and late night fast-food outlets. The Council has worked in the spirit of co-operation with licensees for a considerable time to promote flexible licensing hours.

This Policy does not set fixed trading hours though the Council recognises that stricter conditions with regard to noise control will be expected in more densely populated residential areas. However, each application will be considered on its individual merits.

This Policy does not seek to artificially introduce staggered closing times. Shops and supermarkets will generally be permitted to sell alcohol at any time during their normal trading hours unless there are good reasons for restricting those hours.

The Council expects applicants to carefully consider the proposed trading hours for which they wish to use the premises for licensable activities.

The Council expects applicants to demonstrate that, in proposing trading hours, they have had particular regard to the use of premises in the area and the trading hours of other premises in the area which are used for licensable activities. In all cases, the proposed trading hours should be set so as to promote the four licensing objectives. In addition, it is always open to applicants to volunteer "last admission times" where these will assist in promoting the objectives in late night premises. Applicants might wish to volunteer that outdoor areas i.e. beer gardens, forecourt areas and terraces will not be used after a particular time for the sale, supply or consumption of alcohol.

Deliveries and Collections

- 4.22 The Council expects applicants to demonstrate that deliveries and collections at their premises are carried out in such a way as to promote the licensing objectives and in particular to minimise disturbance to residents.

Rubbish and Litter

- 4.23 The Council expects applicants to demonstrate the specific measures they have in place for collection of rubbish and litter arising from the licensable activities at those premises.

Smoking Areas

- 4.24 The Council expects applicants to demonstrate that any external smoking areas will be adequately controlled in order to prevent any nuisance being caused to neighbours.

Transport

- 4.25 The Council expects applicants to carefully consider how customers will disperse from their premises and travel home and to demonstrate how a managed dispersal will be achieved.

The factors which the Council expects applicants to consider in relation to the dispersal of customers include: -

- the location of the premises;
- the proposed trading hours;
- the availability of car parking;
- the availability of public transport;
- the availability of taxis/private hire vehicles or courtesy buses/transport.

The relevance of the factors will of course depend on the particular licensable activities proposed and the proposed trading hours.

Admission of Children

- 4.26 The Council does not seek to limit the access of children to licensed premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The wide range of premises that require licences means that children can be expected to visit many of these, often on their own for food or entertainment. Children under 16 are not allowed in premises being used for the

supply and consumption of alcohol unless accompanied by a person of 18 years or over.

4.27 Whilst the Council will judge the merits of each application in deciding whether to impose conditions limiting the access of children to individual premises, the following are examples of premises that will give rise to particular concern in respect of children: -

- where entertainment or services of an adult or sexual nature are commonly provided (including topless bar staff, striptease, lap-dancing, table-dancing or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language);
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- whether there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

4.28 Whilst a complete ban on the admission of children to premises will be rare, the Council may consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children: -

- limitations on the hours when children may be present;
- limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

In the case of premises giving film exhibitions, the Council will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

4.29 The Council will not impose conditions requiring that children should be admitted to any premises and, where no limitation is imposed, this should remain a matter for the discretion of the individual licensee or club.

Capacity Limits

- 4.30 The use of capacity limits may promote the prevention of crime and disorder objective and the public safety objective. Without restricting the situations in which such limits are appropriate, the Council believes that such limits may particularly be appropriate where:-
- alcohol is consumed on the premises;
 - regulated entertainment takes place on the premises;
 - the premises have a capacity of more than 200 persons;
 - where licensable activities are proposed to take place in different parts of the premises.
- Capacities should be addressed in the fire risk assessment.

Drugs Policies

- 4.31 It is for each applicant to consider whether a drugs policy at his premises would promote the prevention of crime and disorder objective. The Council seeks to encourage the use of such policies where appropriate and expects applicants to offer to take steps to prevent the misuse of drugs on their premises, to adopt procedures for searching customers for drugs, and to arrange for the safe storage and handover of drugs to the local police. The Council expects applicants to have liaised with the Chief Officer of Police on the development of a venue drug policy where such a policy is considered appropriate.

The Sale and Supply of Alcohol

- 4.32 The right to sell or supply alcohol carries with it important responsibilities in the context of promoting the four licensing objectives. For example, with regard to the promotion of the prevention of crime and disorder objective there are specific criminal offences relating to the sale and supply of alcohol and offences which relate to the consumption of alcohol e.g. drunk and disorderly and drinking and driving. Particular care also needs to be taken to ensure that alcohol is not sold / supplied to persons under 18 years old. If such sales / supply of alcohol are found to be taking place then prosecution of individuals, premises licence holders, personal licence holders and Designated premises supervisors may be considered. It must also be pointed out that there is an offence under the Violent Crime Reduction Act 2006 of persistently selling / supplying alcohol to underage persons.

There are also problems caused by over-indulgence in alcohol and binge drinking which may result in alcohol-related aggression arising on licensed premises and in the vicinity of those premises. The location of such problems may differ from time to time e.g. the person who has consumed too much alcohol and is aggressive may cause disorder: -

- on the premises where he obtained the alcohol;
- in the vicinity of those premises;
- further away in other public places;
- perhaps in the take-away, the taxi rank or the local hospital accident and emergency unit; and
- at home.

- 4.33 The standard of management at premises which sell or supply alcohol will have a direct impact on the promotion of the four licensing objectives.
- 4.34 The Council will encourage the adoption of voluntary industry codes of practice which cover irresponsible drinks promotions which can lead to binge drinking. Licensees are also reminded of the new mandatory licence condition regarding irresponsible promotions as set out in paragraph 4.10 above.

CCTV

- 4.35 The installation of CCTV in and/or outside premises may promote the prevention of crime and disorder objective and the public safety objective where: -
- the proposed trading hours are late at night;
 - there are large concentrations of people;
 - there are problems of crime and disorder in or around the premises;
 - there are existing problems of crime and disorder in an area and it is difficult to determine which premises are the source or location of those problems.

Door Supervisors

- 4.36 The presence of door supervisors may promote the prevention of crime and disorder objective and the public safety objective where:-
- the proposed trading hours are late at night;
 - there are problems of crime and disorder in or around the premises;
 - where there are large concentrations of people on the premises and in the vicinity of the premises;
 - where queues are likely to form for admission to the premises.

Where a premises licence includes a condition requiring door supervisors it will also include a condition that each individual door supervisor must be licensed by the Security Industry Authority.

Pub and Club Watch Schemes

- 4.37 Membership of Pub and Club Watch Schemes may promote the prevention of crime and disorder objective and the public safety objective as they promote a collective responsibility between licence-holders in local areas for the consequences of their selling and supplying alcohol. The Council views such schemes as useful forums for discussion and exchange of information between licence-holders. There are a number of such schemes operating within the Borough which are pro-active in their approach, take their responsibilities seriously and the Council welcomes their support.

Age Limits

- 4.38 It is unlawful under the Licensing Act 2003 to allow unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or temporary event notice when open for the purposes of being used for the supply of alcohol for consumption. It is also an offence to allow unaccompanied children under 16 on premises

between midnight and 5.00am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

The Council does not intend to duplicate by way of condition matters which are governed by law. However, the Council will seek to encourage applicants to take steps to ensure that the lawful presence of children on the premises is appropriate having regard to other activities which may take place on those premises and the expected clientele.

Proof of Age Schemes

- 4.39 The use of Proof of Age schemes may promote the prevention of crime and disorder objective and the protection of children from harm objective as they are a means of avoiding the unlawful admission of children to premises and can prevent offences relating to the sale and supply of alcohol to under age people.

The Council strongly supports the PASS accreditation scheme which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports.

In particular, the Council strongly supports the use of a 'Challenge 25' policy for all premises that supply alcohol.

Radio Contact Between Licensed Premises & the Council's Central Watch

- 4.40 Radio links are an effective means of warning participants of existing or potential crime and disorder issues. The use of radio contact systems may promote the prevention of crime and disorder objective where: -

- the proposed trading hours are late at night;
- there are large concentrations of people;
- there are problems of crime and disorder in or around the premises;
- there are existing problems of crime and disorder in an area but it is difficult to determine which premises are the source or location of those problems.

Toughened Glasses/Plastic Containers

- 4.41 The use of toughened glasses or plastic containers may promote the prevention of the crime and disorder objective and the promotion of public safety objective where: -

- the proposed trading hours are late at night;
- there are large concentrations of people;
- there is a history of glass-related crime or accidents;
- at outdoor events where members of the public might carelessly discard glasses;
- at outdoor events where members of the public might be more likely to stumble and fall thereby causing injury.

The Council does not consider these measures necessary if the sale or supply

of alcohol is for consumption off the premises.

Crime Prevention Notices

- 4.42 The use of crime prevention notices may promote the prevention of crime and disorder objective where it is necessary to warn customers about the need to be aware of pick-pockets or bag-snatchers and to guard their property or avoid the 'spiking of drinks'.

Such notices are an effective means of warning customers of the prevalence of crime which may target them.

Trading Hours and Licensed Activities Signs

- 4.43 The use of signs indicating the usual trading hours and permitted licensable activities on premises may promote the prevention of crime and disorder objective and the protection of children from harm objective where the proposed trading hours are late at night and where there are restrictions on the admission of children.

Where different restrictions regarding the access for children to the premises are proposed, applicants may also wish to consider whether to display signs outside the premises indicating the normal times when children are permitted.

Such signs are an effective means of identifying breaches of the terms of the licence or certificate and ensuring that customers understand what is, and is not, permitted.

"Please Leave Quietly" Signs

- 4.44 The use of signs on premises requesting customers to respect the needs of local residents and to leave the premises quietly may promote the prevention of public nuisance objective where: -

- the proposed licensable activity is to take place late at night;
- there are large concentrations of people;
- there is a likelihood or history of nuisance associated with the premises;
- the location of the subject premises is in an area where the licensable activity and the public nuisance associated therewith has an impact on other people living and working in the vicinity of those premises.

"Please Leave Quietly" Messages

- 4.45 Announcements by Management / DJs requesting customers to respect the needs of local residents and to leave the premises quietly may promote the prevention of public nuisance objective where: -

- the proposed licensable activity is to take place late at night;
- there are large concentrations of people;
- there is a likelihood or history of nuisance associated with the premises;
- the location of the subject premises is in an area where the licensable activity and the public nuisance associated therewith has an impact on other people living and working in the vicinity of those premises.

First Aid/Medical Supervision

4.46 The presence of First Aiders may promote the public safety objective where: -

- there are large concentrations of people;
- the regulated entertainments include an indoor sporting event a boxing or wrestling entertainment;
- where the regulated entertainment involves the use of pyrotechnics, special effects, dry ice machines or lasers.

The presence of such persons are an effective means of ensuring that appropriate medical attention is available as soon as possible in the event of an emergency.

Chill Rooms/Quiet Areas

4.47 The provision of chill rooms / quiet areas may promote the public safety objective where the type of regulated entertainment proposed involves fast dance music.

Seating

4.48 The use of fixed seating at indoor sporting events and at boxing or wrestling entertainments may promote the public safety objective.

The Council expects applicants to have considered special public safety arrangements for theatre and cinema entertainments which are set out at Appendix 3 Annex D.

Restrictions on Access for Children to Particular Parts of Premises

4.49 The imposition of restrictions on access for children to particular parts of the premises may promote the protection of children from harm objective where different activities, which are unsuitable for children, take place in those parts of the premises.

Restrictions on the Times during which Children are permitted on Licensed Premises

4.50 The imposition of restrictions on the times during which children are permitted access to licensed premises may promote the protection of children from harm objective where the types of activities taking place on the premises change during the course of the day.

Regulated Entertainment Especially for Children

4.51 The Council will expect applicants to ensure that there is a minimum number of attendants on duty - 1 attendant per 50 children - at such regulated entertainment.

Children in Performances of Regulated Entertainment

4.52 The Council does not intend to duplicate by way of condition matters which are

governed by law regarding children performing in a show - The Children's (Performances) Regulations 1968 (as amended) apply. However, the Council will expect applicants to have demonstrated that they have carefully considered the following matters and are able to demonstrate in the particular circumstances that the proposed regulated entertainment will promote the protection of children from harm objective: -

- Venue - the backstage facility should be large enough to accommodate safely the number of children taking part in any performance.
- Fire Safety - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special Effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of Children - theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under appropriate adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all time in case of an evacuation or emergency.

Theatres

- 4.53 Whilst the admission of children to the performance of play will normally be left to the discretion of the licence holder the Council will expect applicants to consider whether a condition restricting the admission of children to variety shows incorporating adult entertainment is necessary to protect children from harm and, in appropriate circumstances to volunteer such a restriction.

Appeals

➤ Chapter 5

- 5.1 This Chapter is no more than a guide to the appeals provisions in the Licensing Act 2003. Readers should refer to the Act itself and take their own legal advice as to the provisions of the Act.
- 5.2 Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 to the Licensing Act 2003. Appeals are to the Magistrates' Court and must be made within 21 days beginning with the day on which the Appellant was notified of the decision. An appeal can be made by any party involved in the decision - applicants, responsible authorities and interested parties.

Premises Licences

- 5.3 Part 1 of Schedule 5 sets out the appeals process with regards to premises licences.
- Applicants may appeal to the Magistrates' Court if the Council has rejected their application for a premises licence, for a variation of a premises licence, for a variation of a designated premises supervisor or for a transfer of a licence.
 - If a licence is granted, the licence holder may appeal against the imposition of conditions on that licence, the exclusion of a licensable activity or refusal to specify an individual as the designated premises supervisor.
 - Those who made relevant representations during the course of an application may appeal against the decision to grant a licence, or the licensable activities permitted, conditions imposed (or not imposed) or the identity of the designated premises supervisor.
 - Applicants or any person who made a relevant representation may appeal against the decision to issue a provisional statement.
 - Where the Council takes the step of modifying the conditions of the licence before granting a variation, the applicant may appeal.
 - Any person who made relevant representations can appeal against the decision to vary the licence.
 - The Chief Officer of Police who gave a notice may appeal against the grant of an application to specify an individual as a premises supervisor or against the decision to transfer a licence.
 - Where the Council decides to cancel an interim authority notice following a notice from the Chief Officer of Police, the person who gave the interim authority notice may appeal against the decision.
 - Where the Council does not cancel the interim authority notice following a notice from the police, the Chief Officer of Police may appeal.
 - The decision in relation to a review of the premises licence may be brought to appeal by the applicant for the review, the premises licence holder or anyone who made relevant representations.

Club Premises Certificates

- 5.4 Part 2 of Schedule 5 of the 2003 Act sets out the appeals procedures in relation to club premises certificates.
- Clubs applying for a premises certificate or applying to vary a certificate may appeal against the decision by the Council to reject the application.
 - If a certificate is granted the holding club may appeal against the imposition of conditions or the exclusion of a licensable activity.
 - Those who made relevant representations during the course of an application may appeal against the decision to grant a certificate, or the qualifying club activities permitted or conditions imposed (or not imposed).
 - Where the Council takes the step of modifying the certificate before granting a variation, the club may appeal. Any person who made relevant representations can appeal against the decision to vary the certificate.
 - The decision in relation to a review of a club premises certificate may be brought to appeal by the applicant for the review, the certificate – holding club or anyone who made relevant representations.

Temporary Event Notices, Personal Licences and Closure Orders

- 5.5 Part 3 of Schedule 5 of the 2003 Act covers appeals in relation to temporary event notices, personal licences and closure orders.
- In relation to temporary event notices, premises users may appeal against the decision by a Council to give a counter notice.
 - Applicants for personal licences may appeal against the decision to reject an application for or application to renew a licence. Where the Police lodged an objection notice to the grant or renewal of a personal licence and the Council grants or renews the licence, the Police may appeal.
 - Personal licence holders may appeal against revocation of that licence by the Council. Where the Police have given notice about relevant offences which come to light after the granting or renewal of a licence, and the Council decide not to revoke the licence, the Police may appeal against the decision.
 - The licence holder or any person who made representations on a review of a premises licence following a closure order may appeal against the outcome of the review.

Problem Premises

➤ Chapter 6

- 6.1 The Council expects licensed premises to be properly controlled and managed by responsible operators. This should prevent or at least minimise significant problems to any of the other groups, including residents, involved in the licensing process. However, legitimate concerns will sometimes be raised about particular operations. In those instances the Council will encourage the individuals or groups affected to raise those concerns directly with the operator in the first instance. In the Council's experience this approach can often be successful as the operator may not be fully aware of the problems and can introduce changes to improve the situation.

Where concerned individuals or groups do not wish to approach the operators directly (perhaps fearing abuse or reprisals) the Council will approach the operator to discuss the concerns and seek improvements, if required.

- 6.2 The Council works closely with responsible authorities and will intervene at an early stage where it is found that the provision of licensable activities is being carried on in a manner which does not promote the four licensing objectives.
- 6.3 The Council expects all licensees to co-operate with the agencies concerned and to deal promptly and properly with the concerns raised.
- 6.4 The Council has a joint enforcement protocol with the Greater Manchester Police on enforcement and inspection issues to provide for the efficient and effective deployment of its staff and police officers in enforcing licensing law. This includes the targeting of resources where 'hotspot' crime and disorder premises and/or areas have been identified.
- 6.5 Where necessary, the enforcement action will be taken in accordance with the principles of Wigan Council's Enforcement Policy.
- 6.6 The Council recognises that once away from premises a minority of consumers will behave badly and unlawfully. However, the Council wishes to make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. However, the Council recognises that there are mechanisms both within and outside the licensing regime that are available for addressing such issues. For example: -
- planning controls;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses; transport operators and other departments of the Council;
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 - powers of the Council to designate parts of the Borough as places where

- alcohol may not be consumed publicly;
- the power of the Council to make a Closure Order in relation to premises which have a premises licence or temporary event notice and which are causing a public noise nuisance;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

6.7 The Council recognises that a premises licence or club premises certificate can be subject to the formal review process and also that the police have powers to close premises where they consider it necessary to do so in the interests of public safety or to prevent a public nuisance. In addition, the police may apply to the licensing authority for an expedited review of a premises licence where a senior police officer is of the opinion that the premises are associated with serious crime or serious disorder, or both. However, we believe that by working in partnership with all the groups involved in the licensing process the formal review procedures and exercise of the police powers to close premises should be instituted in general after voluntary measures have been attempted.

Review of Premises Licences and Club Premises Certificates

6.8 Once a premises licence or club premises certificate has been granted an interested party or a responsible authority or a member of the club may apply to the Council to review the licence or certificate. The applicant is required to give a notice containing details of the application to the holder of the premises licence or the Club and each responsible authority within a specified time period. The Council must advertise the application and invite representations from interested parties and responsible authorities within a specified time period. The Council may reject any ground for review if it is satisfied that it is not relevant to one or more of the licensing objectives or, if it is made by an interested party, that it is frivolous or vexatious or repetitious. A repetitious ground for review is one that is identical or substantially similar to: -

- a ground for review specified in an earlier application for review made in respect of the same premises licence or club premises certificate which has already been determined; or
- representations considered by the Council when the premises licence or club premises certificate was first granted or;
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
- a reasonable interval has not elapsed since that earlier review or the grant of the licence or certificate.

6.9 The Council must hold a hearing to consider the application and any relevant

representations. The Council may decide that it does not need to take any step to promote the licensing objectives as a result of the review but it may consider it appropriate to issue an informal warning to the licence holder or the club or to recommend improvement within a particular period. The Council may also request that the responsible authority which initiated the review should monitor that improvement by regular inspection and invite it to seek a further review if the problems persist.

6.10 Where the Council considers that action under its statutory powers is necessary it may: -

- modify conditions of the licence or certificate if modified for a limited period, not to exceed 3 months;
- exclude a licensable activity or qualifying club activity from the scope of the licence or certificate if modified for a limited period, not to exceed 3 months;
- suspend the licence or certificate for a period not exceeding three months;
- remove the designated premises supervisor;
- revoke the licence or withdraw the certificate.

Administration, Exercise and Delegation of Functions

➤ Chapter 7

- 7.1 The Licensing Act 2003 provides that decisions and functions may be taken or carried out by the Licensing Committee, or delegated to Sub-Committees or in appropriate cases by one or more officers of the Council.
- 7.2 Many of the licensing procedures will be purely administrative in nature. These will be dealt with by specialist licensing officers. However, where representations or reviews have been requested these will be dealt with by the Licensing Committee or one of its Sub-Committees. Full details of the delegation of functions are set out below.

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence	-	If a police objection	If no objection made
Applications for premises licence / club premises certificate	-	If a relevant representation made	If no relevant representation made
Application for provisional statement	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate by way of a minor variation	-	-	All cases
Application to vary designated premises supervisor	-	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	-	All cases.
Application for transfer of premises licence	-	If a police objection	All other cases
Applications for interim authorities	-	If a police objection	All other cases
Application to review premises licence / club premises certificate	-	All cases	-
Decision on whether a complaint is irrelevant frivolous vexatious etc.	-	All cases	-

Matter to be dealt with	Full Committee	Sub Committee	Officers
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of a police objection to a temporary event notice	-	All cases	-
Determination of film classification	-	All cases	-

- 7.3 The scheme of delegation differs from that proposed by the Secretary of State insofar as the decision on whether a complaint is irrelevant, frivolous or vexatious etc. will be determined by a Sub-Committee of the Licensing Committee. The Council's Scheme affords greater transparency in the decision-making process and removes an overly burdensome responsibility from an individual officer.
- 7.4 The scheme of delegation also differs from the Guidance issued by the Secretary of State in that applications for a personal licence where there are unspent convictions will not be referred to the Sub-Committee in all cases as is suggested. The Licensing Act 2003 (section 120(6)) requires that if no objection is received from the police during the objection period, or is withdrawn, the licensing authority must grant the application. That recommended delegation has therefore not been included in the list shown above.

Glossary of Terms

NOTE: The following glossary provides abbreviated definitions of terms commonly used in the Licensing Act 2003. For full definitions it is necessary to consult the Act itself.

"Alcohol"	Includes:- spirits, wine, beer, cider or other fermented distilled or spirituous liquor of or exceeding 0.5% strength.
"Authorised Person"	Includes: - <ul style="list-style-type: none">▪ an officer of the Licensing Authority authorised for the purposes of the Licensing 2003;▪ an Inspector appointed under Section 18 of the Fire Precautions Act 1971;▪ an Inspector appointed under Section 19 of the Health and Safety at Work etc. Act 1974;▪ an officer of the Council in whose area the premises are situated who is authorised for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;▪ in relation to a vessel, an Inspector or a Surveyor of ships appointed under Section 256 of the Merchant Shipping Act 1995;▪ a prescribed person. <p>Designation as an 'authorised person' confers a role in the inspection of premises in connection with their use for licensable activities.</p>
"Club Operating Schedule"	Is a document which sets out various details relating to the operation of particular club premises including the qualifying club activities to be carried out, the proposed hours of those activities and other times when it is proposed that the premises will be open to members and their guests; whether, where the qualifying club activities include the supply of alcohol, the supplies will be for consumption on or off the premises or both and a statement of how it is intended to promote the licensing objectives.
"Club Premises Certificate"	Means a certificate granted by the Council for premises occupied by and habitually used for the purposes of a club to the effect that the premises may be used by the club for one or more qualifying club activities and that the club is a qualifying club for each of those activities.
"Designated Premises Supervisor"	The individual specified in a premises licence as the premises supervisor.
"Entertainment"	Includes:- a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment, a performance of live music, any playing of recorded music, a performance of dance.

It does not include:- an exhibition of a film, if the sole or main purpose is to demonstrate any product, advertise any goods or services or provide information, education or instruction;

Films consisting of or forming part of an exhibit put on show for any purposes of a museum or art gallery;

A performance of live music or the playing of recorded music which is incidental to some other activity which is not itself a regulated entertainment or the provision of entertainment facilities;

Television and radio broadcast;

The provision of any entertainment or entertainment facilities for the purposes of a religious meeting or service or at a place of public religious worship;

Entertainment or entertainment facilities at a garden fete or similar function unless for private gain;

Any entertainment or entertainment facilities provided for a performance of Morris dancing;

Any entertainment or entertainment facilities on a vehicle in motion.

"Entertainment Facilities"	Means facilities for enabling people to take part in making music, dancing or similar entertainment.
"Excluded Representations"	Representations are excluded if, given the information provided in the application for a provisional statement, the relevant person could have made the same, or substantially the same, representations about that application but failed to do so without reasonable excuse and there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises since the provisional statement was made.
"Interested Party"	Means a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, a body representing persons involved in such businesses and such persons are entitled to lodge representations on applications for the grant, variation or review of premises licences/and club premises certificates. Interested party includes an elected member of the Authority.
"Late Night Refreshment"	Includes:- the provision to members of the public of hot food or hot drink to eat in the premises or to take away between the hours of 11.00pm and 5.00am.
"Licensing Authority"	Wigan Borough Council
"Licensable"	<ul style="list-style-type: none">▪ The sale of alcohol by retail;

Activities"	<ul style="list-style-type: none"> ▪ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; ▪ The provision of regulated entertainment; ▪ The provision of late night refreshment.
"Licensing Committee"	A Committee of ten to fifteen Members of the Council appointed for the purpose.
"Licensing Objectives"	<ul style="list-style-type: none"> ▪ the prevention of crime and disorder; ▪ public safety; ▪ the prevention of public nuisance; ▪ the protection of children from harm.
"Licensing Sub-Committee"	A Sub Committee of three Members of the Licensing Committee.
"Operating Schedule"	An operating schedule sets out various details relating to the proposed operation of the premises when carrying on licensable activities, including the licensable activities to be carried out, the time of such activities; the proposed hours of opening, etc, the duration of the licence (if it is to have a fixed term) details about the individual (if any) who is to act as a designated premises supervisor, details of whether alcohol is to be supplied (if at all) for on-sales, off-sales or both, and a statement of how the applicant intends to promote the licensing objectives.
"Personal Licence"	Means a licence which is granted by the Council to an individual and authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.
"Premises Licence"	Means a licence under Part 3 of the Licensing Act 2003 which authorises the premises to be used for one or more licensable activities.
"Qualifying Club Activities"	Means the supply of alcohol by or on behalf of a club to, or to the order of a member of the club; the retail sale of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place; the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.
"Qualifying Clubs"	A club is a qualifying club in relation to the provision of regulated entertainment if:- it has rules which prohibit admission to membership without an interval of at least two days between nomination and application for membership or, where persons are admitted without prior nomination or application, they are not admitted to the privileges of membership without an interval of at least two days between becoming members and their admission;

- it is established and conducted in good faith as a members' club;
- it has at least 25 members;
- any supply of alcohol is solely by or on behalf of the club;

A qualifying club in relation to the supply of alcohol to members or guests means a club which satisfies the conditions for provision of regulated entertainment and the purchase and supply of alcohol by the club are managed either by the club or its members as a whole, or by a committee of members of the club; no person receives any commission from the purchase of alcohol by the club and no person derives any financial benefit from the supply of alcohol by the club.

"Regulated Entertainment"

Entertainment or entertainment facilities provided to the public or exclusively to members of a qualifying club and their guests or for money or money's worth and with a view to profit and the premises on which the entertainment is or entertainment facilities are provided are made available for that purpose.

"Relevant Representation – Premises Licence"

A representation from a responsible authority or an interested party is relevant if it is about the likely effect of the grant of a premises licence on the promotion of the licensing objectives; it is made in time, is not withdrawn and if made by an interested party, is not frivolous or vexatious; and, if it relates to the identity of the proposed premises supervisor, it is made by the Chief Officer of Police who must be satisfied that to designate the person as the premises supervisor would undermine the crime prevention objective; and are not Excluded Representations.

"Relevant Representation - Club Premises Certificates" -

A representation from a responsible authority or an interested party is relevant if it is about the likely effect of the grant of the certificate on the promotion of the licensing objectives; it is made in time, is not withdrawn and, if made by an interested party, is not frivolous or vexatious.

"Responsible Authority"

Includes: -

- the Chief Officer of Police;
- the Fire and Rescue Authority;
- the enforcing authority under the Health and Safety at Work etc. Act 1974;
- the Local Planning Authority;
- the Council, exercising its statutory functions in relation to pollution control or the prevention of harm to the environment or health;
- the Wigan Safeguarding Children Board;
- any licensing authority in whose area part of the premises is situated;
- In relation to a vessel a navigation authority, the Environment Agency, the British Waterways Board or the Secretary of State.

- A person prescribed by regulations under the Licensing Act.
- and such persons or bodies must be notified of applications and are entitled to make representations to the Council about applications for the grant, variation or review of a premises licence and club premises certificates.

“Appendix 1”

Personal Licences, Premises Licences, Designated Premises Supervisor, Club Premises Certificates and Temporary Event Notices

This Appendix is no more than a guide to some of the provisions of the Licensing Act 2003. Readers should refer to the Act itself and take their own legal advice as to the provisions of the Act.

➤ **Personal Licences**

1. A personal licence is a licence which is granted by the Council to an individual which authorises him or her to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The supply of alcohol can be by selling alcohol by retail or supplying alcohol by or on behalf of a club to, or to the order of, a member of the club.
2. The requirements for a personal licence are that the applicant: -
 - must be aged 18 or over;
 - must possess an accredited licensing qualification or be a prescribed person;
 - must not have forfeited a personal licence within 5 years of his/her application; and
 - the police have not given an objection notice about the grant of a personal licence following notification of any unspent relevant offence or foreign offence (as defined in the Act) or
 - the police have given an objection notice because of a conviction for an unspent relevant offence or a foreign offence but the Council has not considered it necessary to reject the application on crime prevention grounds; and
 - the applicant has paid the appropriate fee to the Council.
3. The Council recognises that personal licences may be sought by any individual whether or not they have current employment or business interests associated with the use of the licence and the Council will not therefore consider such matters when considering an application for a personal licence.
4. The Council will disregard any convictions for a relevant or foreign offences if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.
5. In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence applicants will be required to produce a Criminal Record Bureau Certificate which they must copy to the local police with the application. Applicants from foreign jurisdictions will be required to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
6. Where an applicant is found to have an unspent conviction for a relevant or foreign offence and the police object to the application on crime prevention grounds the applicant is entitled to a hearing before the Licensing Committee or one of its sub-committees.

7. The Council hopes to continue to work in the spirit of co-operation and partnership with personal licences holders to achieve the objectives set out in the Licensing Act 2003.
8. A personal licence lasts for 10 years unless it is surrendered, revoked or forfeited. Applications for renewal of personal licences may only be made during the period of 2 months beginning 3 months before the licence would expire.

➤ **Premises Licences**

1. A premises licence authorises the use of any premises which includes any place or part of the premises for licensable activities namely: -
 - the sale of alcohol by retail;
 - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - the provision of regulated entertainment;
 - the provision of late night refreshment.
2. Schedule 1 and 2 of the Act identify activities which are not to be regarded as the provision of regulated entertainment or the provision of late night refreshment and which are exempt from those aspects of the new licensing regime.
3. In determining whether any premises falls to be licensed, the Council will apply the following parts of the Licensing Act 2003: -
 - section 1 which outlines the licensable activities;
 - part 3 which outlines provisions relating to premises licences;
 - part 4 which outlines arrangements for qualifying clubs;
 - section 173 which provides that activities in certain locations are not licensable;
 - section 174 which provides that premises may be exempted on grounds of national security;
 - section 175 which provides that minor raffles and tombolas involving prizes of alcohol are not to be treated as licensable if certain conditions are fulfilled;
 - section 176 which prohibits the sale of alcohol at motorway service areas and restricts the circumstances in which alcohol may be sold at garages;
 - section 189 which makes special provisions regarding the licensing of vessels, vehicles and moveable structures;
 - section 190 which determines the location of alcohol sales in certain circumstances;
 - section 191 which defines "alcohol"; for the purposes of the Act;
 - section 192 which defines the meaning of "sale by retail" for the purposes of the Act;
 - section 193 which defines among other things "premises", "vehicle", "vessel" and "wine"; and
 - schedules 1 and 2 which define the provision of regulated entertainment and late-night refreshment.
4. Members of the public can obtain an indication from the Council's Licensing Services Section as to whether particular activities and/or premises are required to be licensed. However, such indications do not bind the Council, and in case

of doubt legal advice should be taken.

Application for Premises Licence

5. An application for a premises licence must be made on the prescribed form to the Council and copied to the appropriate responsible authorities. The application must be accompanied by: -
- the required fee
 - an operating schedule (see below)
 - a plan of the premises to which the application relates
 - if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor.

The Operating Schedule

6. The Operating Schedule should include a general description of the style and character of the business to be conducted on the premises and must set out the following details: -
- the licensable activities to be conducted on the premises;
 - the times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods and during particular seasons, if it is likely that the times would be different during different parts of the year);
 - any other times when the premises are to be open to the public ;
 - where the licence is to be required only for a limited period, that period;
 - where the licensable activities include the supply of alcohol, a name and address of the individual to be specified as the designated premises supervisor;
 - where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both; and
 - the steps which the applicant proposes to take to promote the licensing objectives.
7. The Council will require confirmation that the Applicant has complied with the requirements to advertise the application.

Determination of Applications for Premises Licences

8. As a consequence of the notification and advertising requirements set out above, the Council may receive representations from a responsible authority or an interested party. A representation is relevant if:-
- it is about the likely effect of the grant of the premises licence on the promotion of the licensing objectives;
 - it is made in time, is not withdrawn and if made by an interested party is not frivolous or vexatious; and
 - if it relates to the identity of the proposed premises supervisor it is made by the Chief Officer of Police who must be satisfied that to designate the person as the premises supervisor would undermine the crime prevention objective.

9. If the Council does not receive any relevant representations about the application then no hearing by the Licensing Committee or its sub-committees is necessary and the application must be granted in the terms sought by the applicant subject only to conditions which are consistent with the operating schedule and any relevant mandatory conditions in the Act which apply in the particular case.
10. Where a relevant representation is made by a responsible authority or an interested party makes a relevant representation which is not frivolous or vexatious a hearing will be required before the Licensing Committee or one of its sub committees at which the parties will be invited to present argument. A hearing must take place unless the applicant and all of the parties who made relevant representations agree that a hearing is unnecessary.
11. While the Council has a discretion to take such steps as it considers necessary to promote the licensing objectives, the Licensing Committee will seek to focus on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. It will give appropriate weight to the representations (including supporting information) presented by all the parties, the Secretary of State's Guidance, its Policy Statement and the steps that it considers are necessary to promote the licensing objectives.
12. The steps which the Licensing Committee can take are to:-
 - grant the licence subject to conditions which it considers necessary for the promotion of the licensing objectives and any mandatory conditions;
 - exclude from the scope of the licence any of the licensable activities to which the application relates;
 - refuse to specify a person in the licence as the premises supervisor; or
 - reject the application.

13. **Period of Validity of Premises Licence**

A premises licence has effect until it is surrendered or revoked or if it is for a limited period until that period expires but it will not have effect during periods of suspension.

➤ **Designated Premises Supervisor**

1. Where a premises licence authorises the supply of alcohol two conditions must be imposed on the licence as follows: -
 - The first condition is that no supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor or
 - At a time when the premises supervisor does not hold a personal licence or his personal licence is suspended.
 - The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. The sale of alcohol, because of its impact on the wider community and on crime and on anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night

refreshment. This is why a personal licence is required by individuals who may be engaged in making such sales. As part of the application process for a premises licence which includes the supply of alcohol, the applicant must submit a form of consent by the individual whom the applicant wishes to have specified in the premises licence as the designated premises supervisor.

3. The main purpose of the designated premises supervisor is to ensure that there is always one specified individual, among the personal licence holders working on the premises who can be readily identified at the premises. That person will normally have been given day to day responsibility for running the premises by the premises licence holder.
4. The holder of a premises licence may apply to vary the licence to specify a new premises supervisor. A designated premises supervisor may also give notice to the Council that he wants to be removed as the premises supervisor.

➤ **Club Premises Certificates**

1. A club is a qualifying club if: -
 - under the rules of the club nobody can be admitted to membership or be admitted as candidates for membership to any of the privileges of membership without an interval of at least 2 days between their nomination or application for membership and their admission;
 - under the rules of the club a person who is admitted as a member other than by prior nomination or application may not be admitted to the privileges of membership without an interval of at least 2 days between their becoming members and their admission;
 - the club is established and conducted in good faith as a club;
 - the club has at least 25 members;
 - no alcohol is supplied or intended to be supplied on the club premises except by or on behalf of the club.
2. The Act provides special arrangements for qualifying clubs which meet specified criteria to carry on certain licensable activities at their premises. Qualifying clubs are treated differently from other venues because they carry on activities from private premises (to which access is accordingly restricted) and because alcohol and regulated entertainment are provided otherwise than for profit. Qualifying clubs have a special status under licensing law; clubs holding certificates will be exempted from the requirement for any member or employee to hold a personal licence to supply or sell alcohol to members or guests, and also from the requirement for a designated premises supervisor.
3. The following matters must be taken into account in determining whether a club satisfies the condition of being established and conducted in good faith: -
 - the club's freedom to purchase alcohol;
 - how money or property belonging to the club is used;
 - giving members information about the club's finances;
 - the club's accounts and
 - the nature of its premises.
4. There are three additional conditions that a club must satisfy if it is to be a

qualifying club in relation to the supply of alcohol to members and their guests. These are: -

- the purchase and supply of alcohol must be managed by the club in general meeting or by the general body of members, or by a committee who are members of the club, over 18 and elected by the members of the club;
- that no arrangements are or intended to be made for any person to receive any commission, percentage or similar payment on purchases of alcohol by the club; and
- 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 to members or guests.

Application for Club Premises Certificate

5. An application for a Club Premises Certificate must be made on the prescribed form to the Council and copied to the appropriate responsible authorities. The application must be accompanied by: -
 - the required fee
 - a club operating schedule
 - a plan of the premises to which the application relates

The Club Operating Schedule

6. The Club Operating Schedule should include a general description of the club and must set out the following details: -
 - the qualifying club activities to which the application relates;
 - the times during which it is proposed that the relevant qualifying club activities are to take place;
 - any other times when the premises are to be opened to members and their guests;
 - where the relevant qualifying club activities include the supply of alcohol, whether the supplies are proposed to be for consumption on or off the premises or both; and
 - the steps which it is proposed to take to promote the licensing objectives.

The Council will require confirmation that the applicant has complied with the requirements to advertise the application.

Determination of Application for Club Premises Certificate

7. If the Council does not receive any relevant representations about the application then a hearing by the Licensing Committee or its Sub-Committees is not necessary and the certificate must be granted subject only to conditions which are consistent with the Club Operating Schedule and any relevant mandatory conditions in the Act which apply in the particular case.
8. Where a relevant representation is made by a responsible authority or an interested party makes a relevant representation which is not frivolous or vexatious a hearing would be required before the Licensing Committee or one of its Sub-Committees at which the parties would be invited to present argument. A

hearing must take place unless the applicant, the Council and each person who has made representations agree that a hearing is unnecessary.

9. While the Council has a discretion to take such steps as it considers necessary to promote the licensing objectives, the Licensing Committee will seek to focus on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. It will give appropriate weight to the representations (including supporting information) presented by all the parties, the revised Secretary of State's Guidance, its Policy Statement and the steps that it considers are necessary to promote the licensing objectives.
10. The steps which the Licensing Committee can take are to: -
 - grant the certificate subject to conditions which it considers necessary for the promotion of the licensing objectives and any mandatory conditions;
 - exclude from the scope of the certificate any of the qualifying club activities to which the application relates; or
 - reject the application.
11. A Club Premises Certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the Club for consumption on those premises.

Period of Validity of Club Premises Certificate

12. A Club Premises Certificate has effect until it is withdrawn or it is surrendered but it will not have effect during periods of suspension.

➤ Temporary Event Notices

1. The Licensing Act establishes a system of notification known as Temporary Event Notices to be used where it is intended to carry on the sale of alcohol, the provision of regulated entertainment or late night refreshment at premises which do not have a premises licence or a club premises certificate. There are limits on this process as follows: -
 - an individual, the "premises user", may give a Temporary Event Notice fifty times per year if he is also a personal licence holder and five times a year if he does not hold a personal licence;
 - a Temporary Event Notice may be given twelve times in a calendar year subject to a maximum of fifteen days at any individual premises;
 - a temporary event may last for a maximum of 96 hours;
 - the maximum number of people attending the event at any one time must be less than 500.
 - There must be a minimum of 24 hours between event periods.
2. A Temporary Event Notice must be in the prescribed form and contain the following details: -
 - the licensable activities proposed;
 - the period during which it is proposed to use the premises for those activities;
 - the times during the event period when the proposed activities will take place;

- the maximum number of persons which will be allowed on the premises at the same time;
 - whether the licensable activities include the supply of alcohol for consumption on or off the premises or both; and
 - such other matters that may be prescribed.
3. Where the supply of alcohol is proposed, the notice must make it a condition of using the premises for such supplies that they will be made by or under the authority of the premises user.
 4. The Temporary Event Notice must be given to the Council (in duplicate) no later than 10 working days before the day on which the event period begins and must be accompanied by a fee. Saturdays, Sundays, Christmas Day, Good Friday or a Bank Holiday are not working days.

The premises user must also give a copy of the Temporary Event Notice to the Chief Officer of Police no later than 10 working days before the event.

5. The Council must acknowledge receipt of the Notice by sending or delivering one copy of it to the premises user before the end of the next working day or 2 days after receipt if it was not received on a working day.
6. If the Chief Officer of Police is satisfied that allowing the premises to be used in accordance with the Notice would undermine the crime prevention objective he must, within 2 working days, give an "Objection Notice" to the Council and to the premises user.
7. The Council must then hold a hearing to consider the Objection Notice unless the premises user, the Chief Officer of Police and the Authority agree that a hearing is unnecessary.
8. The Council must give the premises user a 'counter notice' if it considers it necessary to do so for the promotion of the crime prevention objective. The decision to issue a counter notice must be made at least 24 hours before the beginning of the event period specified in the Temporary Event Notice and will have the effect of preventing the event from taking place.
9. The Chief Officer of Police may, before the hearing is held, agree with the premises user to modify the event notice and if the event notice is modified the objection notice is to be treated as withdrawn.
10. The Council must also serve a counter notice where the limits to the process as outlined above are exceeded.
11. The time limits specified above are the absolute minimum which the Act permits. However, the Council expects that the premises user will serve notice on the Council and on the Chief Officer of Police at least 28 days before the intended start date of the event. Hopefully, this period will allow the Temporary Event Notice to be modified if necessary by the Police with the agreement of the premises user so as to promote the crime prevention objective and avoid the need for a hearing. The 28 day period will also enable the Council to advise the premises user of matters that need to be considered to ensure that local residents

and persons attending the event are protected.

12. The Police have power to close premises used under a Temporary Event Notice, without notice, for up to 24 hours where a Senior Police Officer reasonably believes that there is, or is likely imminently to be, disorder on or in the vicinity of and related to the premises and their closure is necessary in the interests of public safety, or public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.
13. The premises user will also need to be aware of the offences relating to sales of alcohol to minors or to any person who is drunk.

“Appendix 2”

The Statutory, National, Regional and Local Context for the Licensing Policy Statement

The Council recognises that it must exercise its licensing functions in the context of the Licensing Act 2003 and other relevant legislation. It also knows that it cannot operate in isolation and that the way in which it carries out its licensing functions will have regard to various strategies and plans on which its work will impact and will seek to reflect the aims of those strategies and plans when exercising its licensing functions where appropriate.

➤ The Statutory Context

The statutory context has informed the development of this Licensing Policy Statement.

The Licensing Act 2003

This Act regulates the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment and creates offences relating to alcohol.

As the Licensing Authority, the Council must carry out its functions (licensing functions) with a view to promoting the **four** licensing objectives namely :-

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

Each of these four objectives is considered to be of equal importance.

The Act also gives the Secretary of State power to make Regulations about licensing functions and to issue Guidance to licensing authorities on the discharge of their functions.

The Act and associated Regulations and Guidance form the statutory framework within which the Council will carry out its licensing functions.

The Human Rights Act 1998

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

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

The Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006)

The Council will take account of its obligations under Section 17 of the Crime and Disorder Act 1988 when exercising its various functions. This includes the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder.

The Anti-Social Behaviour Act 2003

The Council will take account of its powers to make a closure order in relation to premises which have a premises licence or a temporary event notice if it reasonably believes that a public nuisance is being caused by noise coming from those premises and the closure is necessary to prevent that nuisance.

The Equality Act 2010

The primary purpose of the Act is to codify the complicated and numerous array of Acts and Regulations, which formed the basis of anti-discrimination law. This was, primarily, the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995 and three major statutory instruments protecting discrimination in employment on grounds of religion or belief, sexual orientation and age.

In the case of disability, employers and service providers are under a duty to make reasonable adjustments to their workplaces to overcome barriers experienced by disabled people. However, in this regard the Equality Act has not changed the previous relevant legislation. The Act requires that there should be no discrimination with regard to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief (or lack of religion or belief), sex and sexual orientation.

Licensees should have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups

The Violent Crime Reduction Act 2006 (as amended by the Policing and Crime Act 2009)

The Council may take into account its powers under the Act particularly in relation to the introduction, as a last resort, of Alcohol Disorder Zones for any areas blighted by serious alcohol-related crime and disorder, to ensure those licence holders within the zone contribute to the cost of the disorder and also to close a licensed premise persistently selling alcohol to youths for up to 48 hours.

➤ The National Context

The national context has informed the development of this Licensing Policy Statement.

The revised Secretary of State's Guidance Issued Under Section 182 of the Licensing Act 2003

The Secretary of State has issued revised Guidance for Licensing Authorities to which they must have regard when carrying out their licensing functions. The Guidance also provides information for Magistrates hearing appeals against licensing decisions, operators of licensed premises, their legal advisors and the general public. This Guidance is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.

Safe. Sensible. Social - The next steps in the National Alcohol Strategy (2007)

In 2004, the Government published the Alcohol Harm Reduction Strategy for England. This was reviewed and resulted in the publishing of a new national strategy in 2007: "Safe. Sensible. Social - The next steps in the National Alcohol Strategy".

The strategy outlines three priorities:

- Ensuring that the laws and licensing powers available to tackle alcohol fuelled crime and disorder, protect young people and bear down on irresponsibly managed premises are being used widely and effectively.
- Focussing on the minority of drinkers who cause or experience harm to themselves.
- Shaping an environment that promotes sensible drinking.

Home Office Crime Reduction Strategy 2008-11

This strategy sets out a new framework for central and local government, local crime-fighting partnerships and non-government organisations over three years. It points to alcohol misuse as a significant factor in violent crime and disorder and criminal damage on the streets.

Safer Clubbing

The Home Office, in conjunction with the Department of Health and the Department for Culture, Media and Sport (DCMS) has produced the Safer Clubbing Guide which is concerned with the health and safety of people who attend dance events and use drugs. The Guidance is designed to cover dance events taking place at a variety of venues including small and large nightclubs, student union bars, arenas and in tents and marquees outdoors.

LACORS/TSI Code of Best Practice

Local authorities have responsibility for enforcement of legislation relating to the sale of age-restricted products such as cigarettes, gas lighter refills, alcohol and fireworks. The participation of children in test purchasing exercises forms a valuable part of local authority enforcement policies which are designed to assess compliance with the law. The primary purpose of the Code is to advise local authorities which undertake test-purchasing exercises with the assistance of children.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Council commends the Code in particular to the leisure / entertainment industry.

London 2012 – The Cultural Olympiad

As part of the London 2012 Olympic Games, the government wishes to see a 4 year cultural olympiad programme delivered across the country. This will involve a range of projects, programmes and initiatives that will link cultural activity to the themes of young people, diverse cultures and environmental sustainability.

Wigan Council and Wigan Leisure and Culture Trust are working to develop the Borough's own programme of events.

➤ The Regional Context

The regional context has informed the development of this Licensing Policy Statement.

The North West Development Agency (NWD)

This Agency provides strategic leadership, programmes and funding to ensure the sustainable economic regeneration of the North West. It covers the sub-regions of Cheshire, Cumbria, Greater Manchester, Lancashire and Merseyside.

In 2003, the NWD launched its Regional Economic Strategy (RES). There are 5 key strategic objectives namely Business, Skills and Education, People & Jobs, Infrastructure and Quality of Life. Specific action plans have now been agreed by the region for Science, Internationalisation, Climate Change and Equality & Diversity and it is now critical that the region works together to deliver the specific actions identified by the plans.

The stated aims of the Image Strategic Objective are to market the region in a co-ordinated way to promote its assets and tackle negative perceptions so as to increase economic activity, attract further investment and boost business and leisure tourism in the North West. Marketing of the region will be targeted around the themes of business, culture, education, environment and tourism.

The NWDA commissioned an economic study of the Merseybelt Sub-Region to review and update the concept and understanding of the Merseybelt and realise greater representation within it of businesses in the 7 emerging business sectors which are targeted for action and which include tourism. The final report identified a "Gap" in the provision of sites for the 7 target business sectors, centred on Wigan Borough. It also recognised the potential for a regional park with major investment in leisure, tourism and sport, to help improve the environment and image of "South Central Wigan".

The Greater Manchester Forum

Membership of the Forum includes all 10 AGMA authorities, the North West Development Agency, the Government Office for the North West, North West Regional Assembly, North West Cultural Consortium, Greater Manchester Police Authority, Waste Authority and Fire Service and the North West Arts Council. The function and the purpose of the Forum is to:-

- take forward the key themes within the Greater Manchester Strategy;
- to act together to promote the interests of Greater Manchester;
- to promote joint working on the main policy issues facing Greater Manchester; to give the means of providing accountability between partners across Greater Manchester and to work, where appropriate, with other city regions on common issues. The Forum intends to follow the themes set out in the Strategy which include the promotion of culture, sport and tourism.

The Association of Greater Manchester Authorities (AGMA)

AGMA is an umbrella organisation for the ten district councils in Greater Manchester, including Wigan. It helps to co-ordinate County-wide or strategically important activities. This includes influencing the European Commission on relevant issues.

The statutory functions committee of AGMA is responsible for a grants scheme which provides support for cultural activities to some of the sub-region's major cultural institutions e.g. Halle Orchestra and the Royal Exchange Theatre. It also supports the development of partnerships which encompass the whole area e.g. the Greater Manchester Sports Partnership.

The Greater Manchester Strategy

The Association of Greater Manchester Authorities, (AGMA), has produced the Greater Manchester Strategy that reflects the increasing need for a range of agencies across the different sectors to co-operate and plan at the sub-regional level. The strategy has 7 key themes including promoting culture and sport.

The North West Cultural Consortium

The North West Cultural Consortium brings together Local Government, other public bodies and voluntary and private interests in the cultural and creative industry fields. In 2001 the Consortium together with the North West Development Agency, issued the Cultural Strategy for England's North West.

This Consortium is a partnership of all the regions agencies covering arts, heritage, museums, libraries, archives, media, sport, tourism, creative industries and has representatives from all local authorities in the Northwest region visitor attractions and other private sector interests including Granada TV and BBC.

The aims of the strategy include raising the profile of Northwest culture and creativity to secure a greater share of resources for culture and to stimulate cultural development.

The Strategy for Tourism in England's North West

The North West Development Agency published the "Strategy for Tourism in England's NorthWest". The themes of the strategy include:-

- "Cultural Beacon" - a rich cultural landscape - celebrating the region's culture offer, building on Liverpool's success in being named European Capital of Culture 2008;
- "Night Nirvana" - a booming area - developing and strengthening attractive and safe night environments in towns and cities;
- "Sports Mecca" - an unrivalled area of excellence - making full use of the region's sporting assets, which include iconic stadia and clubs, famous golf courses and events such as the Grand National;
- "On the Waterfront" - a special sense of place - for the region's lake, rivers and canals; the development of the Mersey Waterfront and a "New Vision" for coastal resorts;
- "Fantastic Foods" - a cosmopolitan range of tastes – promoting the use of local ingredients and specialities, and the development of gastronomic quarters and high quality food markets;
- "Family Fun" - it's a real pleasure - building on strong assets such as Blackpool Pleasure Beach to enhance the region's family appeal.

The Local Transport Plan (LTP)

Wigan Borough is party to the Greater Manchester LTP, a five year plan covering the periods 2006/07 - 2010/11. The LTP sets out core objectives which aim to bring about a sustainable, integrated transport network with improvements which meet peoples' needs and which help regenerate areas in need of renewal. The objectives are:-

- To support increased levels of activity in the Regional Centre, town and district centres and key employment areas and improve their environment, attractiveness, accessibility or safety.
- To improve road and community safety, particularly for the most vulnerable users of the transport network.

- To minimise the environmental damage caused by transport, particularly in terms of air quality, thereby improving the quality of life and the health of the population in line with PSA Objective 3.
- To develop complementary land use and transport policies which increase the proportion of trips by non car modes by: providing a high quality integrated public transport network; providing safe pedestrian and cycle facilities; ensuring new development can be served by public transport and by reducing the number of trips to non-central locations.
- To improve accessibility by ensuring that the county's transport system meets the needs of all sections of the community, promotes social inclusion and widens choice.
- To manage all traffic so as to reduce congestion, improve reliability, and reduce the overall proportion of trips by car without detriment to the regeneration of centres.
- To improve links with the wider Greater Manchester travel to work area, the rest of the country and the rest of the world, for both passengers and freight, in ways which are consistent with other objectives and in line with PSA objective 1.
- To maintain, improve & make the best use of the existing transportation infrastructure and ensure all schemes offer long-term value for money.

Arrangements will be made for the Police to report to the Council's Environment Panel on matters relating to transport.

➤ **The Local Context**

The local context has informed the development of this Licensing Policy Statement.

(a) The Borough

Sustainable Community Strategy and Local Area Agreement

The Sustainable Community Strategy and Local Area Agreement sets out key issues and goals for the borough towards 2010. The strategy details how we have consulted and involved a wide range of people and organisations in a variety of successful projects and initiatives. It defines key issues facing the borough – as well as many of the Government targets we have to meet. It reaffirms our commitments for the next five years and, perhaps most importantly, offers information about how individuals, groups, community networks and Townships can contribute.

<http://www.wiganlife.com/Partnerships/PartnershipWorking/>

<http://www.wiganlife.com/Partnerships/PartnershipWorking/LocalAreaAgreement/>

Wigan Borough Partnership

The Local Government Act 2000 gave local authorities a duty to “promote the economic, environmental and social well being of the area”. The “Local Strategic Partnership” (LSP) is an important part of that process which is centred on the preparation and publication of a Community Plan.

In Wigan, the LSP is called the Wigan Borough Partnership. This partnership aims to provide leadership and a strategic vision for partnership working within the Borough, to speak for local people and to create a better place to live and work, by co-ordinating partnership activity and producing the Community Plan. The plan identifies 4 themed partnerships namely, Children, Young People and Families, Economy, Environment, Culture and Housing, Health and Wellbeing and Building Stronger communities.

Wigan Borough Council's Issues Paper

The Issues Paper is one of our most important documents. Chief Officers' Management Team produces it each year to stand back and review what we have achieved, understand what is to come, and to plan for the future.

In essence, the Issues Paper is part of our strategic risk management processes. It provides a context for our more detailed and operational plans.

Corporate Strategy

Our Corporate Strategy is a three-year rolling strategy, driven by the Community Strategy priorities for Wigan, and achieved through the plans in each of our departments. Delivery against our strategy is reviewed quarterly and the strategy itself is reviewed at least annually to ensure it retains relevance. This is the chance to bring together in one place our thinking on the challenges and opportunities that we need to approach in the next 12 months and beyond. Our Strategy operates at five levels working together to form a Golden Thread linking everyday actions to our long term Council vision that, in turn, links to the Sustainable Community Strategy and Local Area Agreement.

It includes: -

- All council responsibilities under the sustainable community and LAA
- It is structured around the council's vision which is 'Building the Future Together – a place where people matter and you can afford to live the life you want'.
<http://www.wigan.gov.uk/Services/CouncilDemocracy/PerformanceInformation/CorporateStrategy2009-2012.htm>
- It highlights our response to government initiatives and shows how we are developing to achieve this vision
- It also includes our key performance measures and our transformational improvement programme.

To support this plan the Council's Licensing Committee will seek to reflect the aims of the policy in its work. The impact of licensing on regulated entertainment, and particularly live music and dancing will be monitored.

Children and Young People's Plan 2008 – 2011

The Council has developed an integrated plan for children, young people and families. The Licensing Committee will seek to reflect the aims of the Strategy in its work, where this is appropriate.

(b) Leisure and Culture

Vision for Leisure and Culture

A new Vision for Leisure & Culture has been developed by Wigan Leisure & Culture Trust working in partnership with the Council.

Getting Wigan Active to improve people's lives is a multi-million pound strategy that aims to get more people in the Borough physically, mentally and creatively active by encouraging greater participation in cultural activity.

To deliver this strategy a number of key projects will be delivered including the creation of Leigh Sports Village, a new arts and heritage centre within the regenerated Wigan Pier Quarter, the refurbishment of the Linacre Theatre in partnership with Wigan and Leigh College and the replacement of Wigan International Pool and Wigan Central Library via the Council's multi million pound PFI scheme.

As this strategy is developed and deployed it will have an impact on the Council's Licensing role.

Cultural Partnership

The Cultural Partnership includes representatives from the Council, voluntary and private sectors representing sports, arts, play, tourism, the media and young people. The cultural partnership delivered the Borough's cultural strategy between 2001 and 2006. The Partnership now links activity into the Culture block of the Economy, Environment, Culture and Housing (EECH) Framework now adopted by the Wigan Borough Partnership.

To support this policy the Council's Licensing Committee will seek to reflect the aims of the policy in its work. The impact of licensing on regulated entertainment, and particularly live music and dancing will be monitored.

Visit Wigan – The Tourism Development Strategy for Wigan Borough 2010 – 2015

A new tourism strategy for developing the tourism potential of Wigan Borough is currently being developed by Wigan Leisure and Culture Trust. The new 5 year strategy will link into national and regional tourism plans and objectives.

The new strategy will aim to position Wigan Borough as a popular and respected visitor destination within the North West region and to build on the Borough's inherent strengths and character and provide a clear focus for progressing tourism locally.

The Licensing Committee will receive, when appropriate, reports on the implementation of the Tourism Strategy and will seek to reflect the aims of the Strategy in its work.

(c) Health and Safety

Building Stronger Communities Partnership

The Partnership is made up of senior and operational representatives from Wigan Council, Greater Manchester Police, Greater Manchester Probation Service, a range of Community, Voluntary and Third Sector Organisations, Ashton, Leigh and Wigan PCT, Greater Manchester Fire and Rescue Service, Greater Manchester Police Authority and a full range of other statutory and non-statutory agencies. The aim of the Partnership is address the following priorities:-

- Improve the cleanliness and greenness of the borough
- Reduce children and young people's involvement in anti-social behaviour and offending
- Improving the range of things to do and accessibility of positive activities for all
- To increase participation in community and cultural activities that improve the well being of individuals, and community cohesion
- Reduce drug and alcohol related harm
- Reduce re-offending
- Improve community confidence / perceptions in relation to crime, drugs and environmental issues
- Reduce local priority crime

Action Plan to Reduce Alcohol Related Crime and Disorder in the Town Centre - Town Centre Safe Scheme

The Building Stronger Communities Partnership produced an Action Plan to promote the provision of safe, sensible drinking; reduce the number of assaults (especially when alcohol is a contributory factor); and reduce the perception of drunkenness, rowdiness and disorder.

A Town Centre Safety Group and four sub-groups produced the Action Plan to progress a number of objectives, some of which were particularly aimed at improving safety in town centres, for example: -

- an alcohol ban in Ashton-in-Makerfield, Golborne, Hindley, Leigh, Tyldesley and Wigan, Town Centres;
- improvements to street lighting;
- police targeting of hotspots;
- late night dispersal of customers (including the provision of a late-night bus service).
- greater use and co-ordination of existing CCTV monitoring; and
- to encourage all pubs and clubs to use only toughened drinking glasses and prevent removal from the premises.

The Council will try wherever possible to adopt any further initiatives which will assist to improve safety in the various town centres within the Borough.

Building Stronger Communities Partnership – Alcohol Strategy (2009-2012)

Our alcohol strategy aims to reduce alcohol-related harm through partnership working, in order to improve the quality of life for Wigan borough residents.

Many people enjoy alcohol sensibly, however there are serious problems associated with alcohol misuse. These problems fall into two broad categories. Firstly, problems such as alcohol related crime, disorder and anti-social behaviour and secondly, problems that alcohol causes in relation to people's health.

Key themes

The four key themes of the strategy are:

- Information, education and communication
- Treatment and care
- Young people

Alcohol-related crime, disorder and anti-social behaviour

The full document can be viewed at www.saferwigan.org.uk/DrugsAlcohol/Alcohol.htm

(d) Economy, Environment, Culture and Housing

Environment and Development Partnership

Membership of the Environment and Development Partnership includes the Council, Greater Manchester Passenger Transport Authority, the Environment Agency and Groundwork Trust. The Partnership has identified 11 challenges which include encouraging the use of public transport; regeneration of town centres and the conservation of amenity for residents, sustainability and the new planning system.

Wigan Unitary Development Plan

Wigan's Unitary Development Plan (UDP) which is saved as part of the Wigan Local Development Framework provides a framework to encourage and stimulate appropriate new development, control the location and quality of development and safeguard environmental quality. The revised UDP covers the period to April 2016.

From time to time, the Council prepares additional guidance. It has issued Supplementary Planning Guidance No. 4 - Location of Restaurants, Cafes and Hot Food Take Aways. Enquiries about this and other planning matters should be made to the Council's Development Division of the Environmental Services Department.

The Council has separated its planning and licensing regimes to avoid duplication and inefficiency. Planning applications are considered by the Council's Planning Committee and licensing applications will not be a re-run of planning applications. However, the Licensing Committee will where considered necessary provide reports to the Planning Committee on the situation regarding licensed premises in the area including the general impact of alcohol on crime and disorder.

Wigan Council Enforcement Policy

The Council's aim is to undertake its regulatory and enforcement role in a fair, open and consistent manner. This Policy sets out standards and guidance to be applied by the Council when acting in its role as regulator and enforcement agent in connection with licensing matters. The policy applies to enforcement and regulation affecting members of the public; e.g. residents and visitors and businesses (e.g. proprietors, employers and employees). Whilst the policy is intended to be reasonably comprehensive, it cannot cover every situation, especially where there are specific national or local codes or standards which have to be met.

Joint Enforcement Protocol

The Council intends to extend its joint enforcement protocol with Greater Manchester Police based on risk assessments. It aims to co-ordinate inspections and to provide an effective deployment of enforcement resources.

In 2002 the Council agreed a joint protocol with the Police to determine the prime responsibility for enforcing the provisions relating to the sales of alcohol to underage persons. Within Wigan Borough, the Police take the lead role in relation to sales at pubs and clubs and the Council takes the lead role in relation to underage sales at off licences. The Council has also agreed an enforcement protocol with the Police in relation to enforcing the provisions of the Licensing Act 2003.

Where necessary, enforcement action will be taken by the Council in accordance with the Government's better regulation agenda, the principles of the Statutory Code of Practice for Regulators and the Council's own enforcement policy.

In particular, regard will be had to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:

- Targeting – focusing on activities that give rise to the most serious risks or where hazards are least well controlled;
- Consistency – similar approaches in similar circumstances to achieve similar ends;
- Transparency – helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance;
- Proportionality – action taken should be proportioned to the risk presented.

The Council also recognises the Hampton principles of inspection and enforcement, which include:

- No inspection should take place without a reason; and
- Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection.

Environmental Services Department – Regeneration and Protection Division

The aim of the Regeneration and Protection Division of the Environmental services Department is:-

- To protect and promote a safe, healthy and fair living and business environment.
- To provide access to an affordable, decent home of choice within a safe, well-kept neighbourhood.

Within the Division are a number of services which contribute to the delivery of the Council's Licensing Service.

The **Licensing Section** itself delivers the licensing service. It is based at Wigan Town Hall, Library Street, Wigan. Its aim is to ensure that licensed activities are safe and healthy and to prevent nuisance, crime and disorder.

The **Environmental Protection Section** aims to protect the environment by preventing and controlling air, land, water and noise pollution.

The Business Compliance Section aims to ensure food produced and/or sold within the Borough is safe and wholesome and to ensure that work places and work practices for which the Council is responsible are safe and healthy.

The **Trading Standards Section** aims to promote and protect a safe, fair and honest trading environment.

In addition, within the Department the **Community Safety Team** provides support and assistance to the Borough Community Safety Partnership in reducing crime, disorder and the fear of crime. Also, the **Public Health Service** aims to promote and protect a safe and healthy living environment which is free from actionable nuisance.

Annex D

Pools of conditions

CORE PRINCIPLES

1. When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.
2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:
 - the nature and style of the venue;
 - the activities being conducted there;
 - the location; and
 - the anticipated clientele.

Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions

attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

PART 1. CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
- the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- any police instructions/directions are complied with whenever given; and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

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

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

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:

- the number of supervisors;
- the displaying of name badges;
- the carrying of proof of registration;
- where, and at what times, they should be stationed on the premises; and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

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

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

CCTV

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

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

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Part 4).

Capacity limits

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, licensed premises should have in place an age verification policy. This requires the production of "proof of age" before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While age verification policies may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof which bears a photograph, the individual's date of birth and a holographic mark, such as photo-driving licences, National Identity Cards, some student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 25", "Challenge 21" or other similar initiatives. Under these initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the specified age and who is attempting to buy alcohol.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of

notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels. Discounting at individual premises may be permissible provided it is consistent with the licensing objectives.

Irresponsible promotions are addressed through mandatory licensing conditions (see section 10). Licensing authorities are reminded that there may be a judgement needed on whether a specific promotion is responsible or irresponsible. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.

PART 2. CONDITIONS RELATING TO PUBLIC SAFETY

The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore unnecessary.

From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Licensing authorities should note that under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies. See Chapter 2 for more detail about the Order.

General

Additional matters relating to cinemas and theatres are considered in Part 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

In addition, to considering the points made in this Part, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999)(“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm

- The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.

Safety checks

- Safety checks are carried out before the admission of the public.
- Details of such checks are kept in a Log-book.

Escape routes

- Exits are kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- All exits doors are easily openable without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.

- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

Disabled people

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements.

Lighting

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

Curtains, hangings, decorations and upholstery

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits
- temporary decorations are not used without prior notification to the licensing authority/relevant responsible authority.

Capacity limits

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded.
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Access for emergency vehicles

- Access for emergency vehicles is kept clear and free from obstruction.

First aid

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Temporary electrical installations

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician.

- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

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

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Further details and guidance are given in Part 3.

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to promote public safety. These might include the provision of door supervisors, bottle bans, and requirements to use plastic or toughened glass containers (see Part 1 for further detail).

PART 3. THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)

In addition to the points in Part 2, there are particular public safety matters which should be considered in connection with theatres and cinemas.

PREMISES USED FOR CLOSELY SEATED AUDIENCES

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 -1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would prevent them from promptly discharging their duties in the event of an emergency or require their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Standing and sitting in gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to-
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers;
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority. In these cases, the licensing authority should notify the fire and rescue authority, who will exercise their inspection and enforcement powers under the Regulatory Reform (Fire Safety) Order 2005.

Further guidance can be found in the following publications:

- HSE Guide 'The radiation safety of lasers used for display purposes' (HS(G)95
- 'Smoke and vapour effects used in entertainment' (HSE Entertainment Sheet No 3);
- 'Special or visual effects involving explosives or pyrotechnics used in film and television production' (HSE Entertainment Sheet No 16);
- 'Electrical safety for entertainers' (HSE INDG 247)
- 'Theatre Essentials' – Guidance booklet produced by the Association of British Theatre Technicians 8

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection is necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

PREMISES USED FOR FILM EXHIBITIONS

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – premises with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay their response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

PART 4. CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

Noise and vibration

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:
 - a simple requirement to keep doors and windows at the premises closed;
 - limiting live music to a particular area of the building;
 - moving the location and direction of speakers away from external walls or walls that abut private premises;
 - installation of acoustic curtains;
 - fitting of rubber seals to doorways;
 - installation of rubber speaker mounts;
 - requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;

- require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

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

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

PART 5. CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to:
 - heavy or binge or underage drinking;
 - drugs;
 - significant gambling; or
 - any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature,

there should be a strong presumption against permitting any access at all for children under 18 years.

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case the Secretary of State recommends that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

Age Restrictions – specific

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example:

- during “Happy Hours” or on drinks promotion nights;
- during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – cinemas

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC’s website at www.bbfc.co.uk before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

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

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

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

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is necessary to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities.

The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children during any emergency (See Part 3).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

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

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 25", "Challenge 21" or other similar initiatives. Under the "Challenge 25" or "Challenge 21" initiatives those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 25 or 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making such a purchase.

“Appendix 4”

Contact Details

Wigan Borough Council		
Community Safety Team Unity House, Westwood Park Drive, Wigan, WN3 4HE	Community Safety Partnership Research and Information	01942 828111
Business Compliance Section Unity House, Westwood Park Drive, Wigan, WN3 4HE	Food Safety, Health & Safety at Work, Food Poisonings	01942 828142
Trading Standards & Consumer Advice Unity House, Westwood Park Drive, Wigan, WN3 4HE	Consumer Advice Safety of Goods Weights & Measure Under Age Sales	01942 827476
Environmental Protection Section Unity House, Westwood Park Drive, Wigan, WN3 4HE	Industrial Air and Noise Pollution Contaminated Land Air Quality Management	01942 827073
Public Health Section Unity House, Westwood Park Drive, Wigan, WN3 4HE Kennedy House, Brunswick Street, Leigh, WN7 2PJ	Private Drainage Problems Domestic Noise and Air Pollution Accumulations of Rubbish	01942 827110 (Wigan) 01942 733349 (Leigh)
Licensing Section Town Hall, Library Street, Wigan, WN1 1YN	Taxi, Gambling, Street Trading, Late Night Refreshment, Regulated Entertainment and the Sale / Supply of Alcohol Application Forms and Guidance	01942 404627 Fax: 01942 827298 Email: licensing@wigan.gov.uk
Licensing Manager Town Hall, Library Street, Wigan, WN1 1YN	Policy Issues	01942 827114

Responsible Authorities

A copy of **all** applications **must** be sent to: -

The Licensing Manager
Licensing Section
Wigan Council
Town Hall
Library Street
Wigan
WN1 1YN

The following are the contact details for all the responsible authorities: -

<p>1. Development Implementation Environmental Services Department Wigan Council Civic Buildings New Market Street Wigan WN1 1RP</p>	<p>1. The Fire Safety Manager Greater Manchester Fire & Rescue Service Wigan Fire Station Robin Park Road Wigan WN5 OUU</p>
<p>2. Children and Young Peoples Service Independent Reviewing Team Hindley Town Hall Cross Street Hindley WN2 3AX</p>	<p>3. Environmental Protection Section Environmental Services Department Wigan Council Unity House Westwood Park Drive Wigan WN3 4HE</p>
<p>4. The Chief Constable Greater Manchester Police FAO The Licensing Officer Wigan Police Station Robin Park Road Wigan WN5 OUF</p>	<p>5. Business Compliance Section Environmental Services Department Wigan Council Unity House Westwood Park Drive Wigan WN3 4HE</p>
<p>6. Trading Standards Environmental Services Department Wigan Council Unity House Westwood Park Drive Wigan WN3 4HE</p>	<p>7. Additional responsible authority for the licensing of vessels using British Waterways only:- British Waterways Waterside House Waterside Drive Wigan WN3 5AZ</p>

Special Needs

For people who are hearing impaired, advice is available via our Mini-Com on 01942 827480. We can also be contacted by e-mail @ EHCPenquiries@wigan.gov.uk