



# Licensing Policy Statement

2016 – 2021

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**Promoting the vitality of our Borough... A Confident Place for  
Confident People**

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## Introduction

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We want Wigan to be an attractive, accessible and lively borough offering safe, healthy and entertaining places for local residents and for visitors. In town centres we want entertainment and cultural venues that are well-managed, prosperous and add to the vibrancy of the borough.

We recognise that creating a vibrant night time economy is important for Wigan's development, and that key to this is ensuring that the area appeals to a wide group of people, including families and older adults.

We also recognise the impacts that licensed premises can have on individuals and communities, and have therefore identified particular areas of Wigan Borough that are subject to a cumulative impact policy.

We accept that whilst flexible licensing hours may reduce crime, disorder and anti-social behaviour by allowing for a more gradual dispersal of customers, experience shows that in the town centre especially, the majority of new entrants request opening hours to match competitors. This together, is having the effect of moving problems of nuisance and anti-social behaviour into the early hours of the morning to such an extent that it is having an adverse impact on people arriving in the town centre the following morning.

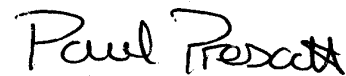
We have considered a range of evidence to help us understand the positive and negative impacts of alcohol, entertainment and late night refreshment on our Borough, and as such have introduced a 'framework' of opening and closing times for premises.

We are confident that all of those involved in the licensing process will continue to work together in the spirit of co-operation, partnership and mutual understanding to ensure that we achieve the vision for our Borough.

Signed:



Lord Smith of Leigh  
Leader of the Council



Councillor P Prescott  
Chairman of the Licensing Committee  
and the Regulation Committee

## Chapter 1

### Purpose and Scope of the Licensing Policy

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- 1.1 This statement of licensing policy is intended to inform applicants and residents about the way in which Wigan Council will carry out its duties under the Licensing Act.
- 1.2 In carrying out its licensing functions the Council will have regard to its policy statement and the Guidance issued by the Home Office.
- 1.3 This policy covers the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The following are licensable activities:
- 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 (hot food and drink at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises)
- 1.4 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.
- 1.5 Each objective is of equal importance. There are no other statutory licensing objectives, so the promotion of the four objectives is a paramount consideration at all times. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - giving the police and the Council the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - recognising the important role which pubs and other licensed premises play in our local communities, by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers the Council to make and enforce decisions about the most appropriate licensing strategies for their local area; and

- ☑ encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

- 1.6 This Policy was finalised after consultation with statutory consultees as required by the Licensing Act 2003 and a number of other interested parties.
- 1.7 The policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Home Office.
- 1.8 The policy will come into effect on 7 January 2016 and will be subject to review and further consultation no later than 6 January 2021. During this time the policy will be subject to regular review and will be updated and modified as necessary to take into account, amongst other things, changes in licensing legislation.

### **Promotion of Equality**

- 1.9 When drafting this policy, the Equality Act 2010 (the Act) has been considered and applied.
- 1.10 The Act protects people from discrimination, harassment and victimisation on the basis of their 'protected characteristics'. These are: sex (gender); gender reassignment; race; disability; sexual orientation; age; religion or belief (or lack of religion or belief); pregnancy and maternity and; marriage or civil partnership.
- 1.11 Further information about the Council's role in upholding its duties under the Equality Act can be found on our website:<sup>1</sup>

### **Departures from the Policy**

- 1.12 This Licensing Policy sets out the vision the Council has for the regulation of licensed premises throughout Wigan Borough and outlines the standards expected in order to ensure the promotion of the licensing objectives in the Borough. The Council may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons will be given for any such departure from the general policy in this statement. However, it is expected that any such departure would likely only be in exceptional circumstances.

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<sup>1</sup> <http://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Equality-and-Diversity/Equality-information-and-objectives.aspx>

## Chapter 2

### About Wigan Borough

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#### **Wigan has an exciting future ahead...**

- 2.1 Our vision is to create a confident place for confident people. We have a unique geography that places us strategically at the heart of two major cities, and between the regional economies of Greater Manchester, Merseyside, Cheshire and Lancashire.
- 2.2 The quality of the Borough's environment and its connectivity are catalysts for our economic prosperity, and support the future growth and regeneration of the Borough as a place to live, work and do business.
- 2.3 Wigan is the second most populated local authority in Greater Manchester with around 318,000 residents, making up 12% of Greater Manchester's total population.
- 2.4 The Borough is made up of historic towns and villages which punctuate the green landscape, and the locals are particularly proud of their 'greenheart' which can provide those living and working in the area with a wonderful quality of life.
- 2.5 Activities are in abundance as a result of the local environment and include golf, fishing, sailing and rambling, not to mention numerous sporting connections. Wigan Athletic Football Club won the 2013 FA Cup, Wigan Warriors Rugby Club is one of the most successful Rugby League Clubs in the world and Leigh Centurions one of the original twenty-two clubs that formed the Northern Rugby Football Union in 1895.
- 2.6 Wigan Borough is home to many small and medium-sized business enterprises, which constitute a large proportion of the 12,000 businesses based here. Whilst manufacturing is still a pillar of the local economy, with the food and drink sectors being particularly strong, digital and creative, environment and professional services are all increasing in importance. Wigan is a place for entrepreneurs and new industries to flourish.
- 2.7 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.

#### **Wigan's Corporate Strategy<sup>2</sup>**

- 2.8 This strategy brings together our thinking on the challenges and opportunities that we need to tackle. The 3 core priorities are:
  - Confident Places: An attractive, accessible and lively Borough, with a prosperous economy as the location of choice for investment.

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<sup>2</sup> <https://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Corporate-strategy.aspx>

- Confident People: Improving life opportunities and independence, making sure people feel safe and supported in their communities; helping people to stay healthy longer.
- Confident Council: Your council has re-focused its reduced resources towards early intervention and prevention to achieve more for less.

### **Integration with Other Strategies**

2.9 While the overarching aim of this policy is to promote the licensing objectives, it is acknowledged that there are other key Council policies in place to help Wigan realise its vision. Therefore, this Licensing Policy integrates as far as is reasonably possible with those strategies in order to help Wigan realise that vision.

## Chapter 3

### Tackling Alcohol & Other Related Issues

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#### The Issues...

- 3.1 The Council is aware that the hospitality and leisure industry in the Borough is a major contributor to the economy, attracts tourists and visitors, enlivens towns and communities, and is a major source of employment. Whilst alcohol plays a big part in the social and recreational activities of many people living within and visiting the Borough, alcohol misuse can sometimes cause problems within our towns and communities.
- 3.2 The total annual cost to society of alcohol-related harm is estimated to be 21bn. The NHS incurs £3.5bn a year in costs related to alcohol. Few other health harms have such high overall costs when the impact on productivity and crime are included.<sup>3</sup>
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"26% of the Borough's population aged over 16 (c 67,000) are drinking alcohol at levels that are increasing the risk of damaging their health. Wigan Borough is in the top 15 (ranked 13 out of 326) local authority areas in England for hospital admission episodes for alcohol related conditions, and is the top 25 (ranked 22 out of 326) for alcohol specific mortality rates"<sup>4</sup>

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#### Wigan's Local Alcohol Area Action Strategic Plan

- 3.3 This plan has a vision that Wigan Borough will be a safer, healthier, and enjoyable place to live, work and visit, free of excess alcohol harm. Its aim is to reduce alcohol related mortality and increase Wigan's average life expectancy. The objectives identified in the strategy are as follows:
- Reducing alcohol related crime and disorder
  - Reducing alcohol related health harms
  - Promoting growth by establishing a diverse, safe and vibrant night time economy

#### Wigan's Building Stronger Communities Partnership

- 3.4 This partnership has a vision that residents in the Borough live in strong resilient communities, feel safe and supported from crime and disorder, and can access effective partnership agency support when they need it.
- 3.5 Wigan's partnership priorities include:
- Reduce Domestic Abuse,

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<sup>3</sup> <http://www.nta.nhs.uk/uploads/adult-alcohol-statistics-2013-14-commentary.pdf>

<sup>4</sup> LAPE 2010-13



- Reduce Substance Misuse and Harm (Drugs and Alcohol),
- Reduce and Prevent Reported / Experienced Crime and Disorder, and Protect Vulnerable People.

## **The Greater Manchester Alcohol Strategy**

3.6 This shared Greater Manchester Alcohol Strategy was launched in 2014, and was the first region in the country to develop such a strategy. The strategy builds on a well established partnership approach and highlights the added value that can be achieved through us all working together.

### The Facts

- ☑ 46–58% of adult offenders in Greater Manchester have alcohol misuse risks/needs.
- ☑ 38% of Greater Manchester violence involving injury is alcohol related.
- ☑ 32% of Greater Manchester domestic incidents are alcohol-related.
- ☑ Greater Manchester mortality rates from alcohol-related conditions are among the highest in the country.
- ☑ Hospital admission rates for alcohol-related conditions in Greater Manchester are among the highest in the country.
- ☑ The combination of crime, health, worklessness and social care costs to Greater Manchester arising from alcohol are estimated at £1.2billion per year – around £436 per resident.
- ☑ The “North West Big Drink Debate” survey revealed that nearly half of respondents said they avoid their local town and city centres at night because of drunken behaviour.

3.7 The development of an alcohol strategy at the Greater Manchester level represents an important step for all partners, which includes:

- The 10 Greater Manchester Local Authorities,
- Greater Manchester Directors of Public Health,
- Greater Manchester Police,
- The Association of Greater Manchester Clinical Commissioning Groups.

3.8 Alcohol is everybody’s business. It is a crosscutting issue that concerns the health and wellbeing of our residents, the safety of our communities, and the future success of our town centres and their night-time economies.

3.9 The scale of the Greater Manchester alcohol challenge is significant...

## **Maintaining the Street Scene**

3.10 The Council will give consideration to the ability to ensure the local street scene can be effectively cleansed, and the potential impact of the premises upon litter problems in the area. Consideration may be given to restricting hours of operation to ensure the streets can be cleaned before the arrival of other users the following morning. Consideration will be given to the number of rubbish bins

in the area to adequately cope with litter levels as well as the general cleanliness of the area.

### **Child Sexual Exploitation**

- 3.11 The Licensing Authority is committed to protecting children from harm. We are aware that alcohol misuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.
- 3.12 Alcohol is also often a factor in child sexual exploitation (CSE), where young people may be encouraged or coerced to drink. Alcohol may also be a factor in risk taking behaviour by young people who drink irresponsibly. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.
- 3.13 Wigan Safeguarding Children Board (WSCB) can provide advice through training to assist licensees so that children remain safe and businesses operate responsibly.
- 3.14 The Licensing Authority encourages licence / certificate holders and operators of licensed premises:
- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and
  - To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.
- 3.15 WSCB<sup>5</sup> has a webpage dedicated to providing local information about child sexual exploitation policies and procedures including risk factors and signs and symptoms.

### **Illegal Drugs and New Psychoactive Substances (NPS)**

- 3.16 A zero-tolerance policy should be implemented regarding the use of illegal drugs and the new psychoactive substances (NPS), commonly referred to as 'legal highs' on the premises.
- 3.17 In accordance with the Government's revised guidance issued under Section 182 of the Licensing Act 2003, the Licensing Authority considers the sale and use of new psychoactive substances, including nitrous oxide, undermines the licensing objectives.

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<sup>5</sup> <http://www.wigan.gov.uk/WSCB/Professionals/Child-sexual-exploitation.aspx>

- 3.18 There is evidence that such NPS products can cause harms, particularly if taken in combination with alcohol. Further information about NPS is on the Government's "FRANK" website: <http://www.talktofrank.com>

### **Tools Available To Tackle The Issues...**

#### **Late Night Levy**

- 3.19 The late night levy is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011, which enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 3.20 There currently is no late night levy in the Wigan Borough.

#### **Early Morning Alcohol Restriction Orders (EMROS)**

- 3.21 Also introduced by the Police Reform and Social Responsibility Act 2011, Early Morning Restriction Orders (EMRO's) are a power enabling a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 3.22 There are currently no early morning alcohol restriction orders in the Wigan Borough.

#### **Cumulative Impact**

- 3.23 As the Licensing Authority, we have introduced a special policy relating to cumulative impact in relation to Wigan Town Centre and Leigh Town Centre (see chapter 8). This creates a rebuttable presumption that applications for new premises licences or club premises certificates or variation applications, that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

#### **Closure Notices**

- 3.24 Under powers afforded in the Anti Social Behaviour, Crime and Policing Act 2014, the Council may now issue a closure notice if satisfied on reasonable grounds that the use of the particular premises has resulted or is likely soon to result in nuisance to members of the public, or that there has been or is likely soon to be disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

### **Public Space Protection Orders (previously Designated Public Protection Orders)**

- 3.25 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police.
- 3.26 As a Licensing Authority we would expect premises that operate in areas where PSPOs have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour.
- 3.27 There are currently no PSPOs in Wigan Borough.

## Chapter 4

### The Vision for our Borough

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- 4.1 Our aim is to help create a vibrant night time economy. Key to this is ensuring that Wigan Borough appeals to a wide group of people including families and older adults who may not wish to frequent premises where the main, if not only attraction is the consumption of alcohol.
- 4.2 We strongly discourage drunkenness, and premises whose predominant offer is vertical drinking.
- 4.3 Our aim is to encourage:
- Premises that will provide a diverse range of entertainment and attract a wider range of participants, in particular the provision of regulated entertainment for persons under 18 years of age.
  - More seating in premises which serve alcohol, for people to sit and enjoy a drink and order food by table service.
  - 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 a wider choice of entertainment.
  - More restaurants, cafes, theatres and cinemas.
  - More sporting, music or cultural events.

#### Licensing Hours

- 4.4 Taking into account the problems of crime, disorder, nuisance and anti-social behaviour into the early hours of the morning, we have introduced a framework of opening and closing times for premises.
- 4.5 This framework applies to applications for new premises licences / club premises certificates and to applications for variations to extend the hours for licensable activities (earlier and later in the case of the sale of alcohol).

#### The Framework

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- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Off Licensed Premises           | 8:00 am to 11:00 pm Sunday to Saturday                                      |
| <input checked="" type="checkbox"/> On licensed Premises            | 1:00 am Sunday to Thursday<br>3:00 am Friday and Saturday (& Bank Holidays) |
| <input checked="" type="checkbox"/> Late Night Refreshment Premises | 1:30 am Sunday to Thursday<br>3:30 am Friday and Saturday (& Bank Holidays) |
-

- 4.6 Existing premises will not be affected by this framework unless there are good reasons for imposing restrictions following a review.
- 4.7 Applicants should note that there is no guarantee that an application will be granted if the hours of trading fall within this framework. In similar terms, an application will not automatically be rejected because the proposed hours of trading fall outside of the framework. All applications will be considered on their individual merits.
- 4.8 Once an application has been granted, the Council expects the licence / certificate holders to liaise regularly with local residents, local businesses and their representative organisations.

## Chapter 5

### The Licensing Application Process

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- 5.1 The 2003 Act provides for four different types of authorisation or permission, as follows:
- ☑ Personal Licence: To sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.
  - ☑ Temporary Event Notice: To carry out licensable activities at a temporary event.
  - ☑ Premises Licence: To use premises for licensable activities.
  - ☑ Club Premises Certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
- 5.2 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events, within the terms of the Licensing Act 2003.
- 5.3 This policy sets out the authority's expectations with regards to applications for the above authorisations. Whilst applicants are not obliged to meet these expectations it is more likely that Responsible Authorities and other parties will make representations if they do not. See chapter 6.

#### Making an Application

- 5.4 Application forms are prescribed by the Licensing Act 2003 and Regulations laid down by the Secretary of State. These forms together with guidance notes and further advice, can be obtained from our website [www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003)
- 5.5 To ensure the application is completed fully, applicants are advised to consider:
- ☑ the contents of this policy statement,
  - ☑ the government guidance issued under section 182 Licensing Act 2003; and
  - ☑ any relevant guidance published on our website.
- 5.6 Failure to comply with the statutory requirements may result in an application or notice being invalid / rejected.

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Applicants are encouraged to have regard to our application **Framework** and seek advice from the Licensing Authority and Responsible Authorities before submitting an application

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## **Personal licences**

- 5.7 A personal licence is a licence which is granted to an individual, which authorises him or her to supply alcohol or authorise the supply of alcohol in accordance with a premises licence.
- 5.8 Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. For clarification, a personal licence holder doesn't need to be present at all times that alcohol is being sold, but if any sales are made when a personal licence holder is not present, they must have been authorised by somebody who holds a personal licence. The Council does recommend that authorisations are made in writing to ensure that those authorised are clear what their legal responsibilities are.
- 5.9 Further information, including the application process can be viewed via our website [www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003)

## **Temporary Event Notices**

- 5.10 The system of permitted temporary activities is intended to be a light touch process. Instead of applying for an authorisation, a person wishing to hold an event gives notice to the Licensing Authority that they propose to carry out licensable activities.
- 5.11 A number of limitations are imposed on the use of temporary event notices by the 2003 Act and further information is available in the Home Office Guidance<sup>6</sup>.
- 5.12 Further information, including the application process can be viewed via our website: [www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003)
- 5.13 Applicants are encouraged to give the earliest possible notice of events to allow for proper consideration of the event.

## **Premises Licences**

- 5.14 A premises licence authorises the use of any premises (which is defined in the 2003 Act as a vehicle, vessel or moveable structure or any place or a part of any premises) for licensable activities.

## **Club Premises Certificates**

- 5.15 Clubs are organisations where members have joined together for particular social, sporting or political purposes. They may then combine to buy alcohol in bulk as members of the organisation to supply in the club.
- 5.16 Technically the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale (as the member owns part of the alcohol stock) and the money passing across the bar is merely a mechanism

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<sup>6</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf)



to preserve equity between members where one may consume more than another.

- 5.17 The terms of a club premises certificate is to sell and supply alcohol to its members and their guests only. Instant membership is not permitted and members must wait at least two days between their application and their admission to the club. A qualifying club may choose to apply for a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

### **Circumstances in which entertainment activities are not licensable**

- 5.18 There are a number of exemptions that mean that a licence (or other authorisation) under the 2003 Act is not required.
- 5.19 As a result of the following deregulatory changes, which have amended the 2003 Act, there are also now a number of activities which no longer require a licence (or other authorisation).
- The Live Music Act 2012
  - Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013
  - The Legislative Reform (Entertainment Licensing) Order 2014; and
  - The Deregulation Act 2015
- 5.20 Further information about the circumstances in which entertainment activities are not licensable is available in the Home Office Guidance issued under section 182 of the Licensing Act 2003<sup>7</sup>.

### **Special Events in the Open Air or in Temporary Structures**

- 5.21 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement and civic pride and can attract visitors to the Borough.
- 5.22 However, the success of such events depends upon the quality, levels of safety and consideration for the rights of people who live and work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.
- 5.23 In recognition of the special factors that are relevant, particularly with respect to major open air events such as pop festivals or other large events, the Council has established a multi-agency forum to assist organisers in co-ordinating such events. This includes council departments who have an interest in or legislative role relevant to such events, together with representatives of the various emergency services.

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<sup>7</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf)

- 5.24 Members of the forum are notified about all proposals to hold such events and where necessary, special safety advisory group (SAG) meetings will be organised in order to consider any communication with organisers.
- 5.25 A useful document which organisers are recommended to obtain is 'The Event Safety Guide'<sup>8</sup> (known as the purple guide), published by the Health and Safety Executive (HSE). Other guidance on the operation of a safe event can be found on the HSE website<sup>9</sup>.
- 5.26 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

### **The Decision Making Process**

- 5.27 Decisions under the Licensing Act 2003 will be made by either the Licensing Committee, a panel of the Licensing Committee or by officers acting under delegated authority. Appendix B sets out how we delegate our licensing functions.

### **The Licensing Committee**

- 5.28 In accordance with the Licensing Act, Wigan Council has established a Licensing Committee consisting of elected members. Where relevant representations are received regarding an application (and not withdrawn), the application shall be determined at a hearing by a sub committee constituting of three members of the Licensing Committee.
- 5.29 Members are appropriately trained to carry out their duties under the Act and in accordance with the Council's constitution. No member shall sit on the committee unless they have received appropriate training.
- 5.30 Members will not sit on a committee involving an event or premises within their ward.

### **Licence Conditions**

- 5.31 Further information to assist applicants when completing their operating schedules can be found under chapter 6 'Promoting the Licensing Objectives'.

### **Responsible Authorities**

- 5.32 Responsible Authorities are public bodies that must be notified of applications for the grant, variation or review of a premises licence / club premises certificate. They are entitled to make representations to us in relation to these applications. The representations must be considered 'relevant' and relate to one or more of the licensing objectives.

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<sup>8</sup> [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk)

<sup>9</sup> <http://www.hse.gov.uk/event-safety/index.htm>

- 5.33 Appendix A sets out a full list of Responsible Authorities, including contact details.

### **Other Persons**

- 5.34 As well as Responsible Authorities, any other person is entitled to make representations to us regardless of their geographic proximity to the premises, in respect of applications for the grant, variation or review of a premises licence / club premises certificate. The representations must be considered 'relevant' and relate to one or more of the licensing objectives.
- 5.35 Further information to assist residents / other persons can be found under Chapter 7 'Making Representations: Information for Residents / Other Persons'.

### **Representations**

- 5.36 Where the Licensing Authority receives an application for a new licence / certificate or a variation to an existing licence / certificate, the Responsible Authorities, and any other persons have 28 days to make representations about the application. Representations can be positive as well as negative.

### **Determining Applications**

- 5.37 If no relevant representations are received then the application will be granted. The Licensing Authority has no discretion to refuse the application or to alter / add to the conditions offered through the operating schedule. However where an operating schedule does not provide sufficient detail or appropriate conditions, there is an increased likelihood that Responsible Authorities will make representations.
- 5.38 Where relevant representations are made, a hearing will be held before a panel made up of three members of the Licensing Committee.
- 5.39 Where an application has been made and representations have been received, the Licensing Authority will encourage discussions between the parties to see if an agreement can be reached so that the need for a hearing can be dispensed with.

### **Suspension for Non Payment of Annual Fees**

- 5.40 The Licensing Act 2003 (Fees) Regulations 2005 state that the holder of a premises licence shall pay to the relevant Licensing Authority an annual fee. This fee becomes due and payable each year on the anniversary of the date of grant of the premises licence / club premises certificate.
- 5.41 The Licensing Authority is required to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. Where a licence or certificate has been suspended, no licensable activities can lawfully be carried out at the premises until the outstanding annual fee payment has been made.

5.42 Licence / certificate holders are advised to make a note of their annual fee due date, and ensure payments are promptly made. Failure to do so could lead to the suspension of the licence / certificate.

### **Integration with Planning**

5.43 The licensing process is separate from planning and building control regimes and shall be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters, and as such licensing applications shall not be a rerun of the planning application. Where the hours granted by planning are different to the licensing hours, the licensee must observe the earlier closing time. Likewise, the granting of a premises licence or club premises certificate (or a variation) does not negate the requirement for the licensee to ensure that relevant planning permission (or building control approval) is in place prior to the premises operating.

5.44 Premises operating in breach of their planning permission may be liable to prosecution or other enforcement under planning law. Any applicant who chooses to apply for the relevant licence prior to obtaining planning permission is advised to be aware of the relevant planning policy for the locality.

### **Appeals**

5.45 A party aggrieved by the decision of the Licensing Authority has the right of appeal to the Magistrates' Court. Any appeal must be lodged within 21 days of the decision.

5.46 In determining an appeal the Court may

- Dismiss the appeal,
- Substitute for the decision any other decision which could have been made by the licensing committee,
- Remit the case back to the licensing committee to dispose of in connection with the direction of the Court.

## Chapter 6

### Promoting the Licensing Objectives

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- 6.1 Applications for the grant of a licence / certificate or the variation of an existing licence / certificate should incorporate an 'operating schedule' which outlines how the premises will be operated. It is for the applicant to determine what steps are appropriate for the promotion of the licensing objectives as these will vary from premises to premises and will also depend on the type of premises, the location and the profile of customers.
- 6.2 As a Licensing Authority we wish to encourage high quality and well managed premises. Applications should therefore describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate:
- Knowledge of best practice
  - That they understand the legal requirements of operating a licensed business
  - Knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003
- 6.3 The operating schedule must include all of the information necessary to enable the Licensing Authority, Responsible Authorities and members of the public to assess whether the steps outlined for the promotion of the licensing objectives are sufficient. This will mean that applicants will need to complete their own risk assessments on their businesses. Where the operating schedule does not provide sufficient detail or appropriate conditions, there is an increased likelihood that Responsible Authorities will make representations.
- 6.4 The operating schedule must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public. We would refer applicants to our Framework in Paragraph 4.4
- 6.5 The operating schedule and any risk assessments should adequately demonstrate that:
- The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for.
  - The potential effect on the licensing objectives is not significant.
  - The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.
- 6.6 The proposals contained in the operating schedule will form the conditions to be applied to the licence / certificate, together with the mandatory conditions (where applicable), any conditions agreed with Responsible Authorities during the

application process and any conditions imposed by a licensing sub-committee, where representations have been made.

- 6.7 Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months imprisonment.

### **Proposed Conditions**

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

- 6.9 Licence conditions:

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

- 6.10 We have produced a document listing a number of 'model' conditions which can be applied to a premises licence / club premises certificate, by a prospective licence or certificate holder or by a Responsible Authority. This document is not exhaustive, but does contain a comprehensive list of relevant / useful conditions which we consider will assist applicants when making applications. This is available on our website via the following link:  
[www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003)

- 6.11 This does not restrict the ability of any party to suggest or impose any other condition they consider appropriate for the promotion of the licensing objectives.

### **Duplication with Other Regulatory Regimes**

- 6.12 In exercising its licensing functions, the Licensing Authority shall, as far as possible, avoid attaching conditions that duplicate any other existing legislation and regulatory regimes that already place obligations on employers and operators.

6.13 Conditions will also not be set which replicate licensing offences, as 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.

### **Age Verification Policies**

6.14 It is a mandatory licensing condition for premises which sell or supply alcohol to have an age verification policy in place. The Council strongly supports the use of a 'Challenge 25' policy for all premises that supply alcohol. Such a scheme volunteered as part of an operating schedule will be given the appropriate weight when determining an application.

### **Children**

6.15 The Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licence / certificate holder. Applicants should note however that greater scrutiny will be given to applications that propose to permit children to remain on premises after 21.00 hours.

### **Adult Entertainment**

6.16 Applications for the grant of a licence / certificate or the variation of an existing licence / certificate must indicate the nature of any adult entertainment to be carried out at the premises. Where this section contains no information it will be assumed that there are no intentions to allow such activities.

6.17 The Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which means that venues proposing to provide sexual entertainment must apply for a sexual entertainment venue licence in addition to the premises licence under the Licensing Act 2003.

6.18 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that does permit premises to offer sexual entertainment no more than 11 times a year and no more frequently than monthly. Where operators intend to take advantage of this exemption, the Licensing Authority expects a clear explanation in the operating schedule of the proposed signage, publicity and external advertising / display materials.

6.19 The Licensing Authority would expect to see appropriate measures offered in the operating schedule, and you are advised to refer to the following documents which are available via the Council's website:<sup>10</sup>

- Sex Establishment Licensing Policy
- Standard conditions for annual licences for sexual entertainment venues and sex cinemas

### **Outside Areas**

6.20 The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and disorder for residents. Operating schedules should therefore detail how noise nuisance and disorder will be dealt with.

### **Alcohol for Consumption OFF the Premises**

6.21 In recent years there has been a large increase in the number of premises licensed to sell alcohol for consumption off the premises only. At the same time, visits to public houses have decreased and those who do visit town centre establishments appear to be "pre-loading" on cheaper alcohol from off-licences so that they are intoxicated to some degree before they arrive at their destination. Residents often complain about the availability of alcohol through off-licences due to the increased issues of crime, disorder and public nuisance they experience. Other complaints are that it encourages street drinking and can sometimes provide easy access to alcohol by children.

6.22 Applicants for off-licences will, as a minimum, be expected to cover the issues detailed below in their operating schedule. Where the operating schedule does not provide sufficient detail or appropriate conditions, there is an increased likelihood that Responsible Authorities will make representations.

- ☑ Details of the proof of age scheme to be implemented & how this will be promoted (we recommend 'Challenge 25');
- ☑ Details of how any refusals to sell alcohol to a person suspected of being under the age of 18 will be recorded;
- ☑ Details of any training for staff on how to prevent underage sales and any other relevant matters, and how this will be recorded;
- ☑ The percentage of the premises to be used for the sale of alcohol, including details of other items to be sold;
- ☑ Details of the sale of low value / high alcohol products and any discounts that may be adopted.

### **Imposed Conditions**

6.23 The Licensing Authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations (from a

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<sup>10</sup> <http://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Sex-establishments.aspx>



Responsible Authority) and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

- 6.24 The Licensing Authority encourages applicants to liaise with local residents, businesses and organisations who may be affected by their proposals when preparing the operating schedule for the premises.
- 6.25 The Licensing Authority 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 an individual case.
- 6.26 Where appropriate the authority may consider imposing controls on products sold, where representations indicate localised problems. This could include a ban on selling super-strength beer, lager and cider, or single cans as part of a package to deal with identified problems.

### **Mandatory Conditions**

- 6.27 The Licensing Act 2003 Act provides for mandatory conditions, where applicable, to be included on premises licences / club premises certificates. The mandatory conditions relate to:
- Sales/supplies of alcohol must be by a personal licence holder,
  - Alcohol may not be sold or supplied at a time when there is no designated premises supervisor or, the designated premises supervisor does not hold a personal licence or his personal licence is suspended,
  - Irresponsible drinks promotions,
  - The provision of free water,
  - The adoption and application of age verification policies,
  - The provision of small measures at licensed premises,
  - Banning the sale of alcohol below the cost of duty plus VAT,
  - Door supervisors,
  - Exhibition of films.
- 6.28 In respect of irresponsible promotions the 'responsible person' should be aware of their moral and social responsibilities in ensuring that they refrain from offering any promotions that are designed to encourage people to drink excessive amounts of alcohol, or drink more than they normally would do. You are advised to consult either the Police Partnership Team or the Council's Trading Standards and Licensing Section before proceeding with any drinks promotions. Contact details are at Appendix A.
- 6.29 Responsible persons are also reminded of other serious consequences of selling alcohol to a person who is drunk. Any person who knowingly (a) sells or attempts to sell alcohol to a person who is drunk, or (b) allows alcohol to be sold to such person, commits an offence under Section 141 of the Licensing Act.

## Chapter 7

### Making Representations: Information for Residents / Other Persons

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- 7.1 Local residents and businesses can play an important role in the licensing process, as it will be they who are most likely to be directly affected. This section provides useful information on understanding how to find out about applications and submit any comments (representations) in respect of them.
- 7.2 Representations do not have to be objections and can be made in support of an application.
- 7.3 Further useful information and guidance can be found on the Council's website at [www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003) or via [www.gov.uk/beer-licensing](http://www.gov.uk/beer-licensing)

#### Finding out about an application

- 7.4 Applicants for the grant of a licence / certificate or the variation of an existing licence / certificate are required to advertise the application in two ways, by:
1. Placing a notice at or on the premises, where it can be conveniently read from the exterior of the premises,
  2. Placing a notice in a local newspaper (not applicable for a minor variation application).
- 7.5 Notices must give a brief description of the proposed application, and specify the date by which representations should be made.
- 7.6 There is no provision within the legislation for the Licensing Team to consult with residents or businesses in the local area. We do however record details of pending applications for premises licences / club premises certificates online at [www.wigan.gov.uk/licensing](http://www.wigan.gov.uk/licensing). This includes new, variation or review applications. It is therefore good practice to regularly check this website for any licence / certificate applications for premises in your local area.
- 7.7 Additionally, the Licensing Team provides email notifications of applications to local ward councillors.

#### Making a Representation

- 7.8 If you want your views to be considered by the Council in respect of a particular application, you must submit a 'relevant representation'. A relevant representation must:
- (a) Be made by any person or Responsible Authority,
  - (b) Be made in writing to the Licensing Authority,
  - (c) Be received by the Licensing Authority no later than 28 days after the date the application was made (ten working days for a minor variation),
  - (d) Relate to the likely effect of the granting of the application upon one or more of the licensing objectives, which are:

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

7.9 Potential issues could include noise or disturbance from the premises, previous examples of crime and disorder associated with the premises, litter problems associated with the premises, or provision of activities not suitable for children where children could be admitted.

7.10 Any representation that is considered as frivolous or vexatious by the licensing authority will not be accepted.

7.11 Representations may be made by email. The Licensing Authority does not require email representations to be followed up with a hard copy. Representations should be made to:

By email: [licensing@wigan.gov.uk](mailto:licensing@wigan.gov.uk)

By post: Trading Standards & Licensing Section  
PO Box 100, Wigan, WN1 3DS

7.12 When making a representation please consider the following:

- Providing an evidential base for the grounds of the representation, which could include written logs of problems, details of previous complaints, photographs or video evidence of the particular issues.
- Ensure as far as possible that the representation is specific to the premises.
- Consult the Licensing Policy and if you consider that an application has not addressed any particular issues specified in the policy, highlight these and explain your reasons why you think these issues should be addressed.
- Consider how you would like the issues to be addressed. For example, you may wish to propose additional or alternative conditions to those proposed in the application's operating schedule. Alternatively, you may wish to propose restricted hours or licensable activities.
- If you are making a representation in support of an application, explain how the proposed application would promote the licensing objectives.

7.13 Representations will not be accepted if they are considered 'frivolous' or 'vexatious'. It is for the Licensing Authority to determine whether a representation is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous.

7.14 A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses, and local knowledge will

therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

7.15 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

7.16 Where relevant representations are made, the following factors will normally be taken into account:

- The style of operations, the number of customers and profile of customers expected to attend the premises,
- The location of the premises and its proximity to noise sensitive properties,
- The proposed hours of operation,
- The transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses,
- The proposed methods for the dispersal of customers,
- The scope for mitigating any impact,
- The extent to which the applicant has offered conditions to mitigate the impact,
- How often the activity occurs.

### **Disclosure of personal details of persons making representations**

7.17 Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant or their representative.

7.18 In exceptional circumstances, persons making representations to the Licensing Authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. The Licensing Authority may decide to withhold some or all of the person's personal details from the applicant or their representative, giving only minimal details (such as street name or general location within a street). However, withholding such details will only be considered where the circumstances justify such action.

7.19 Where a person has concerns regarding an application, but does not wish their personal details to be disclosed, alternative approaches include requesting a local councillor to submit a representation based on their concerns, or providing details on how the licensing objectives are likely to be undermined to a Responsible Authority, who may make a representation if they consider it justifiable and appropriate to do so.

7.20 You can nominate any person, including a local councillor, to represent you at the hearing to determine the application. It is your responsibility to ensure that the nominated person is available and willing to represent you. As above, any request should be made in writing so that the Licensing Authority can be satisfied the person has been nominated by you prior to any hearing.

## Chapter 8

### Cumulative Impact

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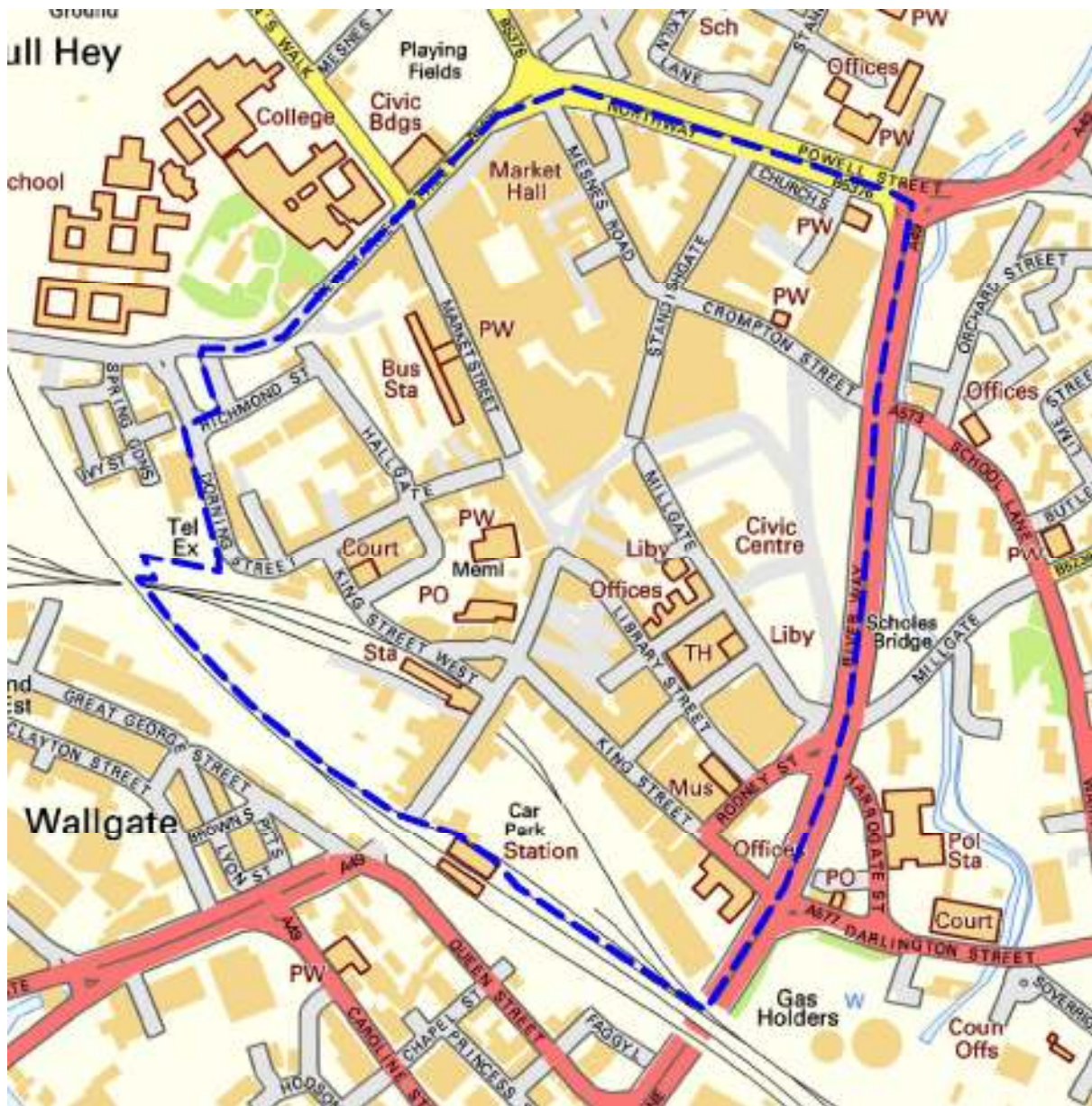
- 8.1 The number, type and density of premises selling alcohol in a particular area can lead to serious problems of nuisance or crime and disorder. In these circumstances the impact of the premises taken as a whole can be far greater than that arising from individual premises. In most cases it would be impossible to identify individual premises as being the sole cause or major contributing factor.
- 8.2 The Licensing Authority has for some years recognised that the Town Centres are an area where the behaviour of customers of all of the premises taken together has a greater impact than normal on the licensing objectives. For this reason, having regard to the Guidance issued by the Home Office, we have applied a cumulative impact policy in 2 areas of the Borough. These areas have been identified from evidence that shows that the cumulative impact of the number of licensed premises in these areas continue to adversely affect the promotion of the following licensing objectives:
- The prevention of crime and disorder
  - The prevention of public nuisance
- 8.3 The Licensing Authority has considered the following data for the Borough:
- Attendances at Accident and Emergency (A and E) with an alcohol related injury or assault,
  - Alcohol related crime,
  - Alcohol related anti social behaviour,
  - Domestic abuse crimes where alcohol was a factor,
  - Domestic abuse incidents where alcohol was a factor,
  - Violent and Serious Violent crime incidents where alcohol was a factor,
  - Youths causing annoyance where alcohol was a factor,
  - Residents who are in receipt of alcohol related treatment.
- 8.4 Where a boundary line follows a street or road, addresses on both sides of the street or road are deemed to be within the cumulative impact area.
- 8.5 The policy will apply to applications for:
- New premises licences / club premises certificates
  - Provisional statements
  - Variations to existing licences / certificates (where the modifications are directly relevant to the issue of cumulative impact, for example, increases in hours or capacity).
- 8.6 The effect of the policy is to create a rebuttable presumption that applications within the cumulative impact areas will normally be refused. The presumption does not relieve Responsible Authorities or other persons of the need to make a representation. If there are no representations received, the Licensing Authority

must grant the application in terms that are consistent with the operating schedule submitted.

- 8.7 To rebut this presumption an applicant would be expected to show through the operating schedule and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. The Licensing Authority expects that applications covered by this policy will include detailed proposals dealing with the seating provision for customers (what percentage of proposed capacity will be seated), the provision of food, the type and style of entertainment to be offered.
- 8.8 This policy does not act as an absolute prohibition on the granting of applications, however the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.
- 8.9 The fact that premises are not located in a cumulative impact area, does not prevent any Responsible Authority or other person making representations, on the grounds that the premises will give rise to a negative cumulative impact on one of the more the Licensing Objectives.
- 8.10 Applicants who are proposing to submit an application for a premises within a cumulative impact area are encouraged to make contact with the Licensing Authority as early as possible to discuss their proposed application.
- 8.11 Some examples of factors where the Licensing Authority will not depart from its policy are:
- That the premises will be managed effectively
  - That the applicant operates similar premises in another area
  - That similar premises already operate in the area

### **Area 1 - Wigan Town Centre**

- 8.12 Wigan Town Centre has 40 on licensed premises and 14 late night takeaways. The area, which is 0.35km<sup>2</sup>, is dominated by vertical drinking establishments that are in close proximity to each other, and this has resulted in high levels of alcohol related crime, violence, anti social behaviour and litter associated with these premises.
- 8.13 It is the Council's policy in this area, subject to paragraph 8.6 above, and on receipt of relevant representations, to refuse new and variation applications for the following:
- bars,
  - pubs,
  - night clubs, and
  - takeaways
- 8.14 The cumulative impact area is shown edged in blue on the map overleaf.



## **Area 2 Leigh Town Centre**

- 8.15 Leigh Town Centre has 20 on licensed premises and 12 off licensed premises. The area, which is 0.38km<sup>2</sup> experiences high levels of alcohol related crime including alcohol related domestic violence, and anti social behaviour, which relate to consumption of alcohol at on and from off licensed premises.
- 8.16 It is the Council's policy in this area, subject to paragraph 8.6 above, and on receipt of relevant representations, to refuse new and variation applications for the following:
- bars,
  - pubs,
  - night clubs, and
  - off licensed premises
- 8.17 The cumulative impact area is shown edged in blue on the map overleaf.





## **Addressing Cumulative Impact**

8.18 The Licensing Policy is not the only means of addressing cumulative impact, and there are other mechanisms available for addressing such issues, including:

- Planning Control
- CCTV Surveillance in Town Centres
- Provision of Transport Facilities (including taxi ranks and taxi marshalls)
- Public Space Protection Orders (PSPO)
- Police Enforcement (including confiscation of alcohol and the issuing of fixed penalty notices)
- Closure Powers
- Early Morning Restriction Orders
- Late Night Levy and
- Voluntary Schemes e.g. Best Bar None

8.19 We are aware that there are other areas in the Borough where there are high levels of alcohol related injuries that have resulted in residents in these areas attending at Accident and Emergency Departments (A and E). These areas are:

- Ince
- Hindley
- Pemberton; and
- Worsley Mesnes

8.20 Applicants wishing to apply for new applications in these areas will be expected to consider these concerns when completing their operating schedules.

### **Review**

8.21 The need for this policy will be subject to periodic review, and the Licensing Authority will consider further cumulative impact areas if appropriate evidence can be made available.

## Chapter 9

### Supporting Each Other to Create a Vibrant Night time Economy

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- 9.1 The Licensing Authority, Responsible Authorities and all partners are committed to ensuring that our Borough offers a safe, vibrant and enjoyable night time economy for everybody to enjoy.
- 9.2 We are therefore committed to supporting licence / certificate holders and their staff through a range of interventions, all designed to provide help and assistance in raising operating standards.
- 9.3 We fully accept that the majority of businesses operate in such a way as to ensure that they comply fully with legislative requirements.
- 9.4 We do however acknowledge that some premises may not operate in such a way, either wilfully or neglectfully, and whilst we would in the majority of circumstances support businesses in the first instance, we will consider formal action in some circumstances. Any such action taken by the Council will be in accordance with our Enforcement Policy<sup>11</sup>

#### Supporting You To Get It Right...

##### The Deal<sup>12</sup>

- 9.5 The Deal is Wigan Council's long term campaign to work together with communities in the Borough to improve outcomes for local people, while reducing the reliance on public services. Increasing pressure on the council's budget means our approach to delivering services has been transformed.

##### Best Bar None

- 9.6 The Licensing Authority supports the Best Bar None Award scheme and recognises that there are many licensed premises in the Borough operating to the Best Bar None standard. The Licensing Authority is keen to encourage all licences / certificate holders operating a club, pub or bar to apply for the award if the scheme is available in their area.
- 9.7 Wigan Borough has a reputation for its vibrant nightlife and the Licensing Authority, along with its partners (including the Police and Fire Service) recognise that many people are working hard to ensure that Wigan's licensed premises provide a safe and attractive venue for customers.
- 9.8 Best Bar None is a national accreditation scheme for clubs, pubs and bars that are able to demonstrate, through high standards of management, their commitment to providing safe and enjoyable venues for their customers. Many venues in Wigan are already meeting the standard and the Licensing Authority

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<sup>11</sup> <http://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Enforcement-Policy.aspx>

<sup>12</sup> <http://www.wigan.gov.uk/Council/The-Deal/The-Deal.aspx>

hopes that they will apply for the Best Bar None award and inspire other venues who do not yet meet the standards to improve.

## **Pubwatch**

- 9.9 Local Pubwatch schemes encourage licence / certificate holders, and designated premises supervisors to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the Licensing Authority and the Police. The operation of collective banning policies and enforcing exclusion orders are also seen to be an essential part of crime prevention in an area or neighbourhood.
- 9.10 Effective Pubwatch schemes require reliable communication systems as well as unity of action. Communication can take place via a secure intranet for members only, at face to face meetings, as well as radio links or 'ring-round' phone systems within an area or neighbourhood where a cluster of licensed premises are located.
- 9.11 The Licensing Authority encourages all licences / certificate holders to actively participate in their local pubwatch (if there is one in place) and is keen to support the development of more groups where there is a demand.

## **CAP**

- 9.12 A Community Alcohol Partnership (CAP)<sup>13</sup> is a partnership approach to tackling underage drinking and related anti-social behaviour, which is developed within local communities. A CAP brings together everyone with an interest in challenging underage drinking, in a co-ordinated effort to tackle the issues collectively.
- 9.13 CAP partners include:
- Wigan Council,
  - Greater Manchester Police,
  - Alcohol Services,
  - Alcohol Retailers,
  - Schools,
  - The Community.
- 9.14 A CAP has been established in the Hindley and Hindley Green areas of the Borough. The Council may however consider establishing further CAPs in the future, and further information will be available via our website.

## **Business Engagement Team**

- 9.15 Wigan Council's Business Engagement Team<sup>14</sup> provides free and independent access to a full range of support services to local businesses and also to

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<sup>13</sup> <http://www.wigan.gov.uk/Business/Trading-Standards/Community-Alcohol-Partnership-Hindley.aspx>

<sup>14</sup> <http://www.wigan.gov.uk/Business/Business-Support/how-we-can-help.aspx>

investors and developers considering a move to the area. A dedicated officer is assigned as a single point of contact providing long term support and continuity, particularly important in terms of relocation though also proving to be useful to employers already established in the Borough.

## **If Things Go Wrong...**

### **Problems with existing licensed premises**

- 9.16 Whilst the Licensing Authority expects licensed premises to be properly controlled and managed by responsible operators, legitimate concerns will sometimes be raised about particular operators. In those instances the Licensing Authority will encourage the individuals or groups affected to raise those concerns directly with the operator in the first instance.
- 9.17 In our 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 the Licensing Authority may approach the operator to discuss the concerns and seek improvements, if required.

### **Reviews of Premises Licences and Club Premises Certificates**

- 9.18 The legislation provides that an existing premises licence or club premises certificate can be subject to a formal review process, and also that the Police can close premises where they consider it necessary to do so in the interests of promoting the licensing objectives.
- 9.19 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.
- 9.20 The procedure for the review of premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.
- 9.21 The Licensing Authority expects Responsible Authorities and other parties to give early notice to licence / certificate holders of any concerns about problems identified at a premises and of the need for improvement. It is expected that requests for a review of any licence / certificate will only be sought after voluntary measures have been attempted.
- 9.22 Where a review application is made, the Licensing Authority will arrange a hearing in accordance with the regulations. The possible outcomes of a review hearing are:
- take no action,
  - modify conditions of the licence or certificate,
  - exclude a licensable activity or qualifying club activity from the scope of the licence or certificate,

- suspend the licence or certificate for a period not exceeding three months,
- remove the designated premises supervisor,
- revoke the licence or withdraw the certificate.

9.23 The Licensing Authority will view particularly seriously, applications for the review of any premises licence where it involves:

- Underage purchase and consumption of alcohol,
- Continuous breaches or contraventions of licence conditions,
- Serious risks to public safety have been identified and the management is unable or unwilling to correct those,
- Serious risks to children have been identified,
- Not operating the premises according to the agreed operating schedule,
- Use of licensed premises for the sale and distribution of illegal drugs/firearms,
- The police are frequently called to attend incidents of disorder.

## **Enforcement**

9.24 Interventions are risk based and take full account of data, intelligence and information available to both the Council and its partners, including Responsible Authorities. The approach to supporting licensed premises to comply is often via multi-agency activity who 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.

9.25 The approach that we will adopt will seek to ensure that low risk premises and responsible operators are permitted to trade with the minimum level of inspection.

9.26 The Licensing Authority expects all licence / certificate holders to co-operate with the agencies concerned and to deal promptly and properly with the concerns raised.

9.27 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the Borough.

9.28 Where enforcement action is considered necessary this will be taken in accordance with the principles of Wigan Council's Enforcement Policy<sup>15</sup>.

- The Council believes the vast majority of individuals and businesses wish to comply with the legal requirements placed upon them and should be assisted in doing so;
- In dealing with any enforcement situation, the Council's actions will be

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<sup>15</sup> <http://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Enforcement-Policy.aspx>

proportionate to the scale, seriousness and intentionality of any non-compliance;

- ☑ There will be consistency of enforcement whilst recognising individual circumstances which may modify the appropriate action to be taken in each case. We will have regard to any impact our interventions may have on economic growth and in particular the impact on small businesses;
- ☑ Except in the most serious cases or where advice/warnings have not been heeded, adequate opportunity will normally be given to rectify non-compliance before formal legal action is commenced;
- ☑ Enforcement is seen as a final means of securing compliance with the appropriate standards, and not as an end in itself;
- ☑ Prosecution will normally only be considered where it is in the public interest to do so and in serious or blatant cases, or where other approaches have failed;
- ☑ Regard shall be had to the relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action, (e.g. Human Rights Act 1998, Code for Crown Prosecutors).

## Appendix A

### Responsible Authorities

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Applications for licences under the Licensing Act 2003 must be sent to the Trading Standards & Licensing Section (as the relevant Licensing Authority).

The Act states that a copy of your application must also be sent to the Responsible Authorities listed below. **However the Licensing Team will arrange for this to be done electronically on your behalf.**

- (1) The relevant licensing authority;
- (2) The chief officer of police for the area in which the premises are situated;
- (3) The fire authority for the area in which the premises are situated;
- (4) The local planning authority for the area in which the premises are situated;
- (5) The health and safety authority for the area in which the premises are situated;
- (6) The environmental health authority for the area in which the premises are situated;
- (7) The body recognised as being responsible for protection of children from harm for the area in which the premises are situated;
- (8) Inspectors of weights and measures;
- (9) The director of public health
- (10) In respect of vessels only The British Waterways Board

The contact details for all Responsible Authorities including the Trading Standards & Licensing Section are outlined below should you require them. However we would prefer it if you did not send copies of your application to the authorities (2)-(9) and allow us to do this on your behalf.

<p><b>(1) Trading Standards &amp; Licensing Section (Licensing Team)</b></p> <p>Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS</p> <p><a href="mailto:licensing@wigan.gov.uk">licensing@wigan.gov.uk</a> 01942 404627</p>	<p><b>(2) Greater Manchester Police</b></p> <p>Wigan Partnership Team Wigan Police Station Robin Park Road Wigan WN5 OUF</p> <p><a href="mailto:wigan.partnershipteam@gmp.pnn.police.uk">wigan.partnershipteam@gmp.pnn.police.uk</a> 0161 856 7262 or 0161 856 7104.</p>
<p><b>(3) Greater Manchester Fire &amp; Rescue</b></p> <p>Bolton and Wigan Prevention &amp; Protection Admin Bolton Borough Headquarters Moor Lane Bolton BL3 5DB</p> <p>*To be confirmed*</p>	<p><b>(4) Planning &amp; Transport</b></p> <p>Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS</p> <p><a href="mailto:planningsearches@wigan.gov.uk">planningsearches@wigan.gov.uk</a> (01942) 489150</p>



<p><b>(5) &amp; (6) Business Compliance &amp; Improvement Section</b></p> <p>Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS</p> <p><a href="mailto:comm@wigan.gov.uk">comm@wigan.gov.uk</a> (01942) 489330</p>	<p><b>(7) Wigan Safeguarding Children Board</b></p> <p>People's Directorate Wigan Council PO Box 100 Wigan WN1 3DS</p> <p><a href="mailto:WSCB@wigan.gov.uk">WSCB@wigan.gov.uk</a></p>
<p><b>(8) Trading Standards &amp; Licensing Section (Trading Standards Team)</b></p> <p>Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS</p> <p><a href="mailto:ts@wigan.gov.uk">ts@wigan.gov.uk</a> (01942) 827476</p>	<p><b>(9) Public Health</b></p> <p>People's Directorate Wigan Council PO Box 100 Wigan WN1 3DS</p> <p><a href="mailto:Public.health@wigan.gov.uk">Public.health@wigan.gov.uk</a> (01942) 404238</p>
<p><b>(10) British Waterways</b></p> <p>*This address only needs to be used for the licensing of vessels using British Waterways*</p> <p>North West Waterways Canal &amp; River Trust Waterside House Waterside Drive Wigan WN3 5AZ</p> <p><a href="mailto:enquiries.northwest@canalrivertrust.org.uk">enquiries.northwest@canalrivertrust.org.uk</a></p>	

## Appendix B

### Delegation of Functions

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.

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 Sub-Committee. Full details of the delegation of functions are set out below.

Matter to be dealt with	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 or vexatious	All cases	-
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	-