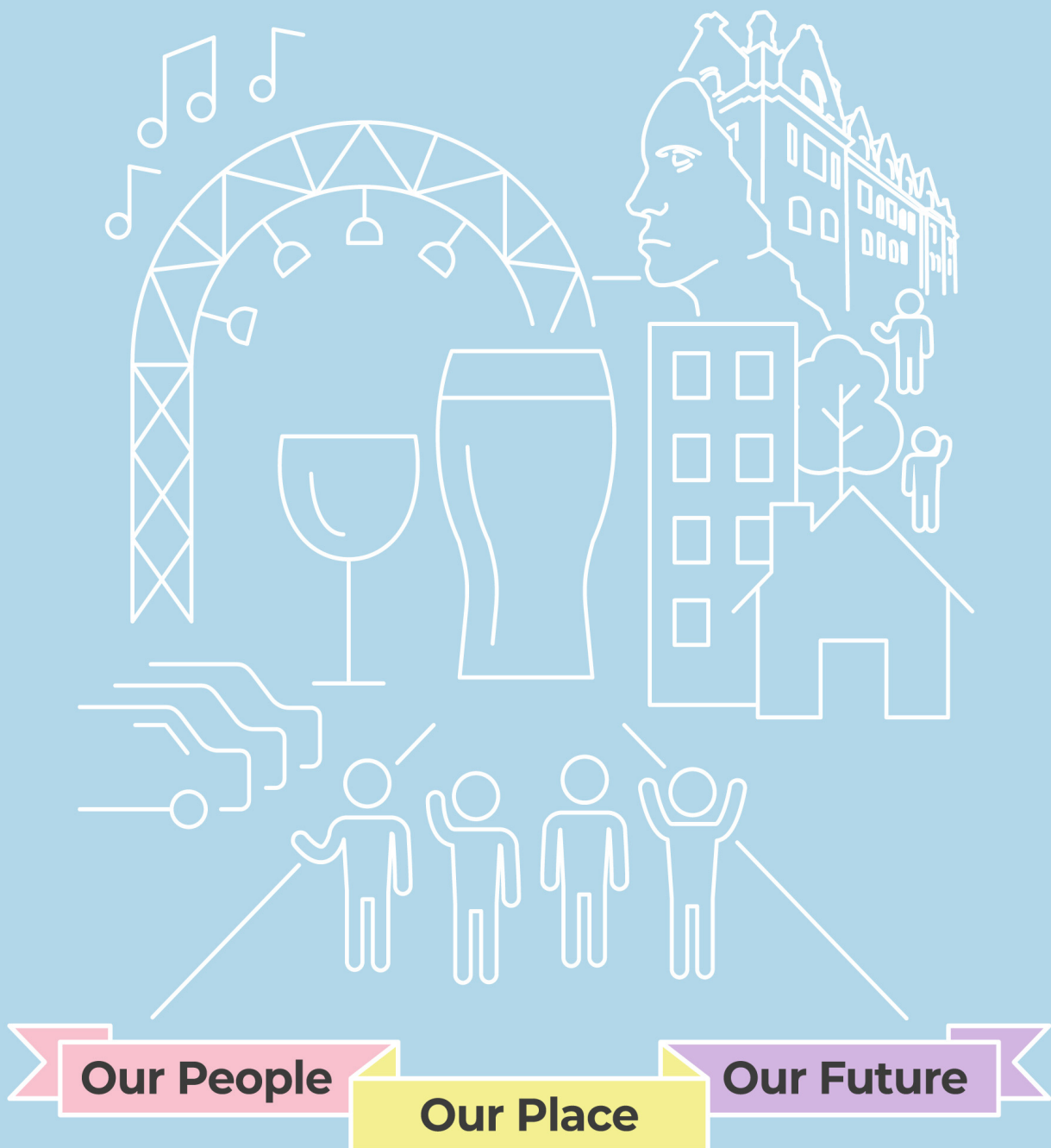




# Statement of Licensing Policy 2022 - 2027



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## Introduction

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*“Here in Wigan we see the potential, the possibilities and the promise of a diverse and resilient economy”*

We want Wigan to be an attractive, accessible and lively Borough offering safe, diverse and vibrant places for local residents and visitors. In town centres we want entertainment and cultural venues that are well-managed, prosperous and add to the vibrancy of the Borough. Wigan’s leisure and night-time economy plays an important role in the success of the Borough, contributing to economic growth, increased employment and investment within the Borough.

This policy has been revised as Wigan and the rest of the country continues its recovery from the devastating impact of COVID-19 on the entertainment and hospitality sector. In response to the pandemic we changed the approach we took to revising this Policy to avoid placing additional restrictions on businesses. We have decided not to implement a Cumulative Impact Assessment (CIA) at this time. Instead we will focus on encouraging operators to submit applications that fit with our core hours framework and with robust operating schedules, containing suitable conditions that promote the four licensing objectives.

The Deal 2030 is our ambitious plan for our Borough. It is our plan for our place, and it sets out how we will work together to create a truly world class place to live and work in the decade ahead. The Council cannot realise the potential of our Borough alone – to do this we have to be working effectively with our partners.

Our Road to Recovery Plan pledges to help re-build our local economy. It highlights how we pulled together to meet the enormous immediate challenges posed by COVID-19 and outlines how we will harness the same energy and spirit to help our Borough flourish once again.

We also need to support our local economy to become more resilient and diverse through community wealth building to creating a sustainable and greener Borough with our ambitious climate change programme.

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, whilst maintaining the necessary protections for our residents and promoting the licensing objectives as a whole.



Councillor David Molyneux  
Leader of the Council



Councillor Paul Prescott  
Portfolio Holder for Planning, Environmental  
Services and Transport

## Chapter 1

### Purpose and Scope of the Licensing Policy

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- 1.1 This Statement of Licensing Policy is published under Section 5 of the Licensing Act 2003 and is intended to inform applicants and residents about the way in which Wigan Council (the Licensing Authority) will carry out its duties under the Licensing Act 2003.
- 1.2 In carrying out its licensing functions the Council will have regard to this policy statement and the Section 182 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 the 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 licensed premises play in our local communities, by minimising the regulatory burden on businesses, 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.

## Consultation

- 1.6 This Policy was finalised after consultation with the persons listed in section 5(3) of the Act. These are:
- The chief officer of police for the area;
  - The fire and rescue authority for the area;
  - Each local authority's Director of Public Health in England (DPH)<sup>14</sup> or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
  - Persons/bodies representative of local premises licence holders;
  - Persons/bodies representative of local club premises certificate holders;
  - Persons/bodies representative of local personal licence holders; and
  - Persons/bodies representative of businesses and residents in its area.
- 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.

## Implementation

- 1.8 The policy will come into effect on 20 July 2022 and will be subject to review and further consultation no later than 19 July 2027. 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 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>

## Integration with other Strategies / Policies<sup>2</sup>

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

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

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

## Departures from the Policy

- 1.13 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.

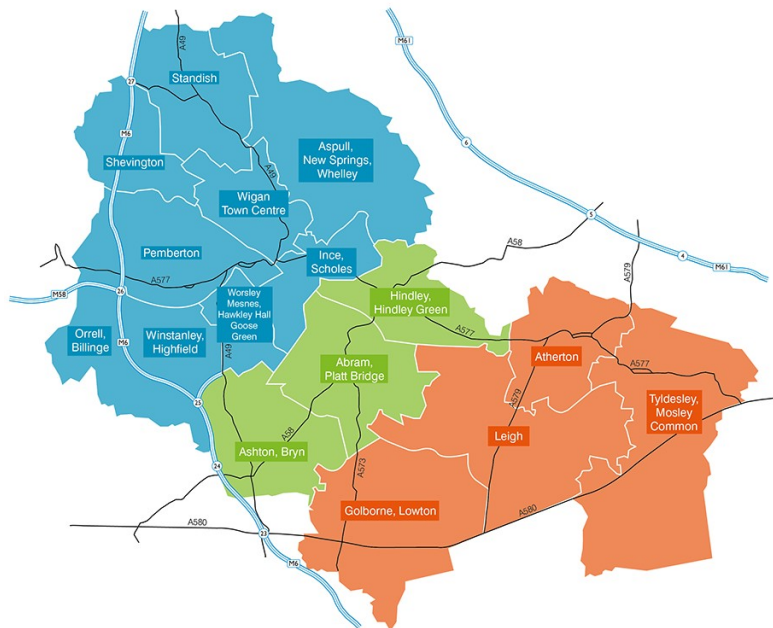
## Chapter 2

### About Wigan Borough

*"We are a Borough made up of strong, proud towns, historic villages and a wealth of green and blue spaces"*

#### We are Wigan<sup>3</sup>

- 2.1 Wigan is the second most populated local authority in Greater Manchester with around 330,700 residents as of 2020<sup>4</sup>.
- 2.2 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.
- 2.3 Wigan has very close motorway networks within the Borough (M6, M58, M60, M61 and M62). It is crucial for our local economy that we invest in enhanced connectivity to the strategic road networks.



- 2.4 The above geographical overview of the Wigan Borough is set out to demonstrate the Borough as 'localities' and 'places'.
- 2.5 Localities are how the Council group areas together to help deliver an efficient service. Places are a new concept to help demonstrate what it is like in our Borough at a community level. It is recognised that people are part of a number of communities, but mostly the lives people live are linked to and shaped by the place they live in.

<sup>3</sup> <https://www.wearewigan.org/>

<sup>4</sup> <https://www.visitnorthwest.com/population/wigan/>

- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 Wigan is home to Wigan Athletic and Wigan Warriors at the DW Stadium and to Leigh Centurions at Leigh Sports Village.

### The Deal 2030<sup>5</sup>

- 2.10 The Deal 2030 provides a unifying strategy for the whole of the Borough to make it the best possible place to live and work over the coming decade.
- 2.11 It was created after the biggest ever consultation undertaken by Wigan Council called The Big Listening Project, which visited 83 locations across the Borough, spoke to 6,000 people directly and collated 10,000 brilliant ideas.
- 2.12 One of the things that came out loud and clear was how proud people are of the Borough - but they are also passionate about making change for the better. They said they want to move at pace towards a better future for everyone.
- 2.13 This plan sets out how we can work together to bring about this change and to make sure that this Borough, which matters so much to everyone who lives and works here, is a place we can continue to be proud of.
- 2.14 The 10 priorities for the Deal 2030 are:
  - 1. Best start in life for children and young people
  - 2. Happy healthy people
  - 3. Communities that care
  - 4. Vibrant town centres
  - 5. An environment to be proud of
  - 6. Embracing culture, heritage and sport
  - 7. Economic growth that benefits everyone
  - 8. A well-connected place
  - 9. Confidently digital
  - 10. A home for all



### Deal For Business<sup>6</sup>

- 2.15 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

<sup>5</sup> <https://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Deal-2030.aspx>

<sup>6</sup> <https://www.wigan.gov.uk/Business/Business-Support/Deal-for-business/The-Deal-for-Business.aspx>



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.

- 2.16 Wigan Borough depends on businesses to create an economy that is both successful and sustainable, promoting opportunity, growth and innovation.
- 2.17 The Deal for Business is a voluntary agreement between the Council and a local business, which signifies a shared commitment to supporting the economic growth of the Borough.
- 2.18 If you're a business trading in Wigan Borough, looking to develop your company, connect with other local businesses and commit to making a difference, then sign up to our Deal for Business. It couldn't be easier, just fill in our simple online form<sup>7</sup>.

### Wigan's Building Stronger Communities Partnership<sup>8</sup>

- 2.19 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. The priorities include:
  - Reduce Domestic Abuse,
  - Reduce Substance Misuse and Harm (Drugs and Alcohol),
  - Reduce and Prevent Reported / Experienced Crime and Disorder and Protect Vulnerable People.

### Reasons to Invest or Work in Wigan<sup>9</sup>...

1. It's Friendly People	2. Globally Recognised Sports Teams
3. Wigan Council's Business Investment Team	4. Parsonage Retail Park
5. Prime Geographic Location	6. Proud Industrial Heritage
7. We Are Well Connected	8. Independent Shops / Businesses
9. Road to Wigan Pier	10. Land Ready For development
11. Wigan Business Awards	12. Wigan in Bloom
13. Greater Manchester Devolution	14. HS2 (on its way)
15. Wigan Pride (Strong Communities)	16. Wigan 10k and Joining Jack
17. DW Stadium	18. Leigh Guided Busway
19. Leigh Sports Village	20. Galleries 25 Development (coming soon)
21. Beautiful Green Space	22. Heritage Action Zone, King Street (coming soon)
23. Haigh Hall	24. The Leeds-Liverpool Canal
25. Pennington Flash Improvements	

<sup>7</sup> <https://businessdirectory.wigan.gov.uk/register>

<sup>8</sup> <https://www.wigan.gov.uk/Council/Partnerships/Building-Stronger-Communities-Partnership.aspx>

<sup>9</sup> <https://www.wigan.gov.uk/Docs/PDF/Council/The-Deal/Deal-conference/Wigan-Works-Presentation.pdf>

## Chapter 3

### The Vision for our Borough

***“We welcome and support businesses of all shapes and sizes. We are not restricted by sector or scale. Helping businesses to relocate, adapt, grow and upskill is what we do here”***

- 3.1 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.
- 3.2 The COVID pandemic delivered pain, suffering and grief... but after a storm comes a rainbow and the sun shines through the clouds. This is our journey into a brighter time, and our Road to Recovery Plan<sup>10</sup> pledges to re-build our local economy.
- 3.3 It is our ambition to apply for Purple Flag Accreditation for our Town Centres, where possible. Purple Flag status is awarded to towns or cities that can demonstrate excellence in managing the evening and night-time economy, and which are diverse, vibrant, safe, attractive and welcoming.
- 3.4 Purple Flag accredited towns have all reported a consistent increase in footfall and a decrease in crime and anti-social behaviour within the night time. It also provides a raised profile and an improved public image for the location and a more successful mixed-use economy in the longer term.
- 3.5 We strongly discourage drunkenness, and premises whose predominant offer is vertical drinking.
- 3.6 As part of our vision, our aim is to encourage:
- ✓ The provision of a wide choice of eating establishments
  - ✓ A diverse range of entertainment on offer
  - ✓ Well managed venues offering a variety of activity
  - ✓ An early evening offer “Alive After Five”
  - ✓ Late night venues that are well managed and which complement the town
  - ✓ Creative use of public buildings during the evening
  - ✓ A vibrant arts and cultural scene
  - ✓ More seating in premises which serve alcohol
  - ✓ An evening economy that is attractive to all residents and visitors
  - ✓ The provision of leisure and entertainment
  - ✓ Facilities for a wide range of age groups, including persons under 18 years
  - ✓ Proactive and effective licensing enforcement
  - ✓ Effective partnerships with businesses
  - ✓ Permitted hours and activities appropriate for their locality



<sup>10</sup> <https://www.wigan.gov.uk/Docs/PDF/Council/The-Deal/Wigan-Council-Road-to-Recovery-Plan.pdf>

## Licensing Hours

- 3.7 This policy has been revised giving particular attention to the impacts that COVID-19 has had on the entertainment and hospitality sector. In response, we have decided not to implement a Cumulative Impact Assessment (CIA) at this time. The previous Cumulative Impact Policies for Wigan Town Centre and Leigh Town Centre have been removed. Instead we will focus on encouraging operators to submit applications that fit with our core hours framework and with robust operating schedules, containing suitable conditions that promote the four licensing objectives.
- 3.8 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 we have introduced a recommended core hours framework in respect of opening and closing times for premises.
- 3.9 The core hours framework is intended to apply to premises licences and club certificates when making the following applications:
- New Applications
  - Variation Applications (to extend the hours for licensable activities - earlier and later in the case of the sale of alcohol).
- 3.10 Existing premises will not be affected by the recommended framework unless there are good reasons for imposing restrictions following a variation or a review.
- 3.11 The location of the premises to residential properties should be considered, and where the premises is close to such properties we would expect applications to state the earlier times, as per the framework below.

## The Core Hours Framework

- 3.12 This framework is intended to guide applicants when submitting applications.

<b>Town Centres</b>	
Off Licensed Premises	8:00 am to 11:00 pm Sunday to Saturday
On Licensed Premises	09:00 am to 1:00 am Sunday to Thursday 09:00 am to 3:00 am Friday & Saturday (& Bank Holidays)
Late Night Refreshment Premises	1:30 am Sunday to Thursday 3:30 am Friday and Saturday (& Bank Holidays)

<b>Residential Areas</b>	
Off Licensed Premises	8:00 am to 11:00 pm Sunday to Saturday
On Licensed Premises	09:00 am to Midnight Sunday to Thursday 09:00 am to 1:00 am Friday & Saturday (& Bank Holidays)
Late Night Refreshment Premises	12:30 am Sunday to Thursday 1:30 am Friday and Saturday (& Bank Holidays)

- 3.13 We recognise the impacts that licensed premises can have on individuals and communities. 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 centres, 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.

### Street Scene

- 3.14 The night-time economy presents particular service needs in relation to street cleaning to ensure the streets are cleansed following the departure of night-time crowds, but ahead of the arrival of other users the following morning. Use of mechanised equipment, or even broom-sweeping, is often impractical when streets are busy with people and litter continues to be discarded.
- 3.15 The Council will expect operators to cleanse outside their premises, particularly at the close of business.
- 3.16 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 also 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.

### Each applications on its merits

- 3.17 Applicants should note that there is no guarantee that an application will be granted if the hours of trading fall within the framework. In similar terms, an application will not automatically be rejected because the proposed hours of trading fall outside of the recommended framework. All applications will be considered on their individual merits. We strongly encourage robust operating schedules, containing suitable conditions that promote the four licensing objectives.
- 3.18 Once an application has been granted, the Council expects that licence / certificate holders will regularly liaise with any local residents, local businesses and representative organisations in order to encourage effective relationships and promote the four licensing objectives.

## Chapter 4

### The Licensing Application Process

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#### Authorisations or Permissions

- 4.1 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.
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.
Temporary Event Notice	To carry out licensable activities at a temporary event.

#### Licensable Activities

- 4.2 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events, within the terms of the Licensing Act 2003. 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)

- 4.3 Regulated entertainment, subject to specified conditions and exemptions, include:

- a) A performance of a play
- b) An exhibition of a film
- c) An indoor sporting event
- d) Boxing or wrestling entertainment
- e) A performance of live music
- f) Any playing of recorded music
- g) A performance of dance
- h) Entertainment of a similar description to that falling within e) f) or g)

#### Licensing Objectives

- 4.4 The four statutory licensing objectives are 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

- 4.5 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.

## Making an Application

- 4.6 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)
- 4.7 To ensure applications are completed correctly, applicants are advised to consider:
- ✓ The contents of this policy statement,
  - ✓ The government guidance issued under section 182 Licensing Act 2003; and
  - ✓ Any relevant advice or guidance published on our website  
[www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003)
- 4.8 Failure to comply with any statutory requirements may result in an application or notice being invalid / rejected.

## Personal Licences

- 4.9 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.
- 4.10 The requirements are that:
- the applicant must be aged 18 or over
  - the applicant, if subject to immigration control, must have permission to work in a licensable activity
  - the applicant possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person as prescribed in the Licensing Act 2003 (Personal licences) Regulations 2005)
  - the applicant must not have forfeited a personal licence within five years of their application
- 4.11 A personal licence, if granted, has effect indefinitely; but ceases to have effect when lapsed, expired, surrendered, suspended or revoked.
- 4.12 Applicants for personal licences who are ordinarily resident in a licensing authority's area are required to make the application to that licensing authority.
- 4.13 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late-night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence), and every sale must be made or authorised by a personal licence holder.

- 4.14 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.
- 4.15 The Council does recommend that authorisations are made in writing to ensure that those authorised are clear what their legal responsibilities are.
- 4.16 Further information, including the application process can be viewed via our website [www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003)

## Premises Licences

- 4.17 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.
- 4.18 In determining whether any premises should be licensed, the following parts of the 2003 Act are relevant:

Relevant part of the Act	Description
Section 1	Outlines the licensable activities
Part 3	Provisions relating to premises licences
Part 4	Provisions for qualifying clubs
Section 173	Activities in certain locations which are not licensable
Section 174	Premises that may be exempted on grounds of national security
Section 175	Exemption for incidental non-commercial lottery (e.g. a minor raffle or tombola)
Section 176	Prohibits the sale of alcohol at motorway service areas; and restricts the circumstances in which alcohol may be sold at garages
Section 189	Special provision in relation to the licensing of vessels, vehicles and moveable structures
Section 190	Where the place where a contract for the sale of alcohol is made is different from the place where the alcohol is appropriated to the contract, the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract
Section 192	Defines the meaning of "sale by retail"
Section 193	Defines among other things "premises", "vehicle", "vessel" and "wine"
Schedules 1 and 2	Provision of regulated entertainment and provision of late-night refreshment

- 4.19 Applicants are also strongly encouraged to have regard to the following prior to submitting an application:



- ✓ The Local Area
- ✓ The Core Hours Framework
- ✓ The Model Pool of Conditions

- 4.20 Applicants are encouraged to submit applications that fit with our core hours framework and with robust operating schedules, containing suitable conditions that promote the four licensing objectives.
- 4.21 Applicants may also wish to seek advice from the Licensing Authority or the Responsible Authorities before submitting an application.

### Club Premises Certificates

- 4.22 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.
- 4.23 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 to preserve equity between members where one may consume more than another.
- 4.24 Only 'qualifying' clubs may hold club premises certificates. In order to be a qualifying club, a club must meet the following qualifying conditions:
1. Condition 1 is that under the rules of the club persons may not:
    - (a) be admitted to membership, or
    - (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
  2. Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
  3. Condition 3 is that the club is established and conducted in good faith as a club.
  4. Condition 4 is that the club has at least 25 members.
  5. Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- 4.25 Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for profit. These require a premises licence and are not qualifying clubs.
- 4.26 The 2003 Act does not prevent visitors to a qualifying club being supplied with alcohol as long as they are 'guests' of any member of the club or the club collectively, and nothing in the 2003 Act prevents the admission of such people as guests without prior notice.



- 4.27 Clubs are also strongly encouraged to have regard to the following prior to submitting an application:
- ✓ The Local Area
  - ✓ The Core Hours Framework
  - ✓ The Model Pool of Conditions
- 4.28 Clubs are encouraged to submit applications that fit with our core hours framework and with robust operating schedules, containing suitable conditions that promote the four licensing objectives.
- 4.29 Clubs may also wish to seek advice from the Licensing Authority or the Responsible Authorities before submitting an application.

### Temporary Event Notices

- 4.30 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).
- 4.31 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.
- 4.32 A temporary event notice may only be submitted by an individual (applicant) and not, for example, by an organisation or club or business.
- 4.33 A number of limitations are imposed on the use of TENs by the 2003 Act:
- The number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
  - The number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised;
  - The number of times a TEN may be given for any particular premises is 15 times in a calendar year;
  - The maximum duration of an event authorised by a TEN is 168 hours (seven days);

- The maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- The maximum number of people attending at any one time is 499; and
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

4.34 Further information, including the application process can be viewed via our website: [www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003)

### Circumstances in which entertainment activities are not licensable

4.35 There are a number of exemptions that mean that a licence (or other authorisation) under the 2003 Act is not required.

4.36 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<sup>11</sup>
- Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013<sup>12</sup>
- The Legislative Reform (Entertainment Licensing) Order 2014<sup>13</sup>; and
- The Deregulation Act 2015<sup>14</sup>

4.37 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.

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

4.38 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.

4.39 However the Council considers that there are specific risks associated with the holding of large public events, such as concerts and festivals.

4.40 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.

4.41 Operators for such events should consider the following:

- ☒ Crowd management, stewarding and security
- ☒ Fire safety and control
- ☒ Configuration and control of sound systems
- ☒ Management of any on-site and off-site car parking

<sup>11</sup> <http://www.legislation.gov.uk/ukpga/2012/2>

<sup>12</sup> <http://www.legislation.gov.uk/uksi/2013/1578/contents/made>

<sup>13</sup> <http://www.legislation.gov.uk/uksi/2014/3253/introduction/made>

<sup>14</sup> <https://www.legislation.gov.uk/ukpga/2015/20/contents/enacted>

- ✓ Management of concessions and franchises
- ✓ Provision and maintenance of water supplies
- ✓ Welfare and provision of information
- ✓ Provision and maintenance of sanitary facilities
- ✓ Reception, collection and removal of litter and other waste
- ✓ Liaison with local residents and businesses

- 4.42 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.
- 4.43 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.
- 4.44 A useful document which organisers are recommended to obtain is 'The Event Safety Guide'<sup>15</sup> (known as the purple guide), published by the Health and Safety Executive (HSE). Other guidance on the operation of a safe event can also be found on the HSE website<sup>16</sup>.
- 4.45 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 even if the event is proposed under a Temporary Event Notice.

[Tell us if you're planning an event \(wigan.gov.uk\)](http://wigan.gov.uk/tell-us-if-youre-planning-an-event)

- 4.46 Wigan Council also has an Event Management Plan Template available on request.

### The Decision-Making Process

- 4.47 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<sup>17</sup>

- 4.48 In accordance with the Licensing Act 2003, 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 consisting of three members of the Licensing Committee.

<sup>15</sup> <http://www.thepurpleguide.co.uk/>

<sup>16</sup> <http://www.hse.gov.uk/event-safety/index.htm>

<sup>17</sup> <https://democracy.wigan.gov.uk/mgCommitteeDetails.aspx?ID=304&a=1>

- 4.49 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.
- 4.50 Members will not sit on a committee involving an event or premises within their ward.

### Licence Conditions

- 4.51 Further information to assist applicants when completing their application and operating schedule can be found under chapter 5 'Promoting the Licensing Objectives'. Further information can also be viewed via our website:  
[www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003)

### Authorised Persons

- 4.52 Authorised persons are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police and immigration officers are not included because they are separately empowered by the 2003 Act to carry out their duties. For all premises, the authorised persons include:
- Officers of the licensing authority;
  - Fire inspectors;
  - Inspectors with responsibility in the licensing authority's area for the enforcement of the Health and Safety at Work etc Act 1974;
  - Officers of the local authority exercising environmental health functions

### Responsible Authorities

- 4.53 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.
- 4.54 Responsible authorities include:
1. The relevant licensing authority
  2. The chief officer of police
  3. The local fire and rescue authority
  4. The local planning authority
  5. The relevant enforcing authority under the Health and Safety at Work etc Act 1974
  6. The local authority with responsibility for environmental health
  7. A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm
  8. The local weights and measures authority (trading standards); and
  9. Each local authority's Director of Public Health (DPH) in England
  10. Home Office Immigration Enforcement (on behalf of the Secretary of State)
  11. In relation to a vessel, the navigation authority that has statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities

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

### Other Persons

- 4.56 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.
- 4.57 Further information to assist residents / other persons can be found under Chapter 7 'Making Representations: Information for Residents / Other Persons'. Further information can also be viewed via our website [www.wigan.gov.uk/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003)

### Representations

- 4.58 The Licensing Act 2003 (and associated Regulations) prescribes the period during which representations can be made. Representations made outside this period cannot therefore be legally accepted.

### Determining Applications

- 4.59 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.
- 4.60 Where relevant representations are made (and not withdrawn), a hearing will be held before a panel made up of three members of the Licensing Committee.
- 4.61 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.

### Integration with Planning

- 4.62 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.
- 4.63 Premises operating in breach of their planning permission may be liable to prosecution or other enforcement under planning law.

- 4.64 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.
- 4.65 Further information in relation to whether planning permission is needed, or how to apply for a lawful development certificate is available online<sup>18</sup>

## Appeals

- 4.66 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.
- 4.67 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.

## Suspension for Non-Payment of Annual Fees

- 4.68 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.
- 4.69 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.
- 4.70 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.

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<sup>18</sup> <https://www.wigan.gov.uk/Resident/Planning-and-Building-Control/Planning/Do-I-need-planning-permission.aspx>

## Chapter 5

### Promoting the Licensing Objectives

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- 5.1 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.
- 5.2 The four 'licensing objectives' referred to in the Act are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 5.3 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
- 5.4 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.
- 5.5 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 recommended core hours framework in Paragraph 3.12.
- 5.6 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.



## Local Factors

- 5.7 The authority recognises that licensed premises and activities can play an important role in ensuring the vitality and prosperity of the Borough in terms of economic growth, additional employment opportunities and improved physical environments. However, if not managed carefully, negative impacts can arise. Licensed premises are expected to be an asset to their local area through the promotion of the licensing objectives.
- 5.8 In accordance with the section 182 Guidance, when setting out the steps they propose to take to promote the licensing objectives, applicants are expected to obtain sufficient information to enable them to demonstrate that they understand:
- ☒ The layout of the local area and physical environment, including crime and disorder hotspots, proximity to residential premises, and proximity to areas where children may congregate
  - ☒ Any risk posed to the local area by the applicant's proposed licensable activities
  - ☒ Any local initiatives (for example, local crime-reduction initiatives or voluntary schemes, including local taxi-marshalling schemes, street pastors and other schemes) that may help to mitigate potential risks.
- 5.9 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.
- 5.10 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

- 5.11 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.
- 5.12 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.

- 5.13 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 intended to provide a consistent approach for all parties, and 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)
- 5.14 This document is not intended to be, nor can they be, an exhaustive list, and 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.

### Imposed Conditions

- 5.15 The Licensing Authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations (from a 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.
- 5.16 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.
- 5.17 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.
- 5.18 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

- 5.19 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.

- 5.20 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 with Greater Manchester Police Licensing and the Council's Licensing Team before proceeding with any drinks promotions. Contact details are at Appendix A.
- 5.21 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.

### Duplication with Other Regulatory Regimes

- 5.22 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.
- 5.23 Conditions will also not be set which replicate licensing offences, as set out in the Licensing Act.

### Age Verification Policies

- 5.24 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

- 5.25 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

- 5.26 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.
- 5.27 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.

- 5.28 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.
- 5.29 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>19</sup>
- Sex Establishment Licensing Policy
  - Standard conditions for annual licences for sexual entertainment venues and sex cinemas

## Outside Areas

- 5.30 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.
- 5.31 You will need to apply for a pavement cafe licence<sup>20</sup> if you wish to place furniture, e.g. tables and chairs, on the public highway to sell or consume food or drink. Approval is not automatic, and you must not place any furniture or displays on the highway until a licence has been issued.
- 5.32 Furniture will only be permitted to be placed on the highway during the times specified on the licence and must be removed at the end of each day.
- 5.33 The size of the area to be licensed will depend on the site characteristics, safety considerations and the criteria set by us to maintain adequate highway space for both pedestrians and vehicles.
- 5.34 An absolute minimum width of 1.8 metres must be left between the proposed area and the kerb, which may be increased to 3 metres in busier areas. This may be relaxed where there is a temporary road closure in place.

## Alcohol for Consumption OFF the Premises

- 5.35 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

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<sup>19</sup> <http://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Sex-establishments.aspx>

<sup>20</sup> <https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Pavement-Cafe-and-Trade-Display-licence/Pavement-cafe-licence.aspx>

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.

- 5.36 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
  - ☑ Details of the sale of low value / high alcohol products and any discounts that may be adopted. We recommend that premises do not sell any beer or cider that has an ABV of 5.5% or above; and that no single cans of beer, lager or cider will be sold from the premises

## Counter Terrorism

- 5.37 Terror attacks have previously been targeted at bars, pubs and nightclubs in the UK. All premises are therefore expected to have regard to the guidance on increasing the protection of crowded places from a terrorist attack<sup>21</sup>.

## Public Health

- 5.38 The Licensing Authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003.
- 5.39 The Licensing Authority seeks to protect the quality of life for people in Wigan Borough and hopes that through the implementation of this Licensing Policy and the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse in the Borough. For example, as well as positively impacting upon crime and disorder, nuisance, harm to children and improved public safety, controlling the premises selling alcohol should positively impact on the levels of alcohol-related health harm. Additionally, it is hoped that preventing the use or supply of illegal drugs and new psychoactive substances on licensed premises will reduce drug-related health harm.
- 5.40 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.

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<sup>21</sup> <https://www.gov.uk/government/publications/crowded-places-guidance>

## Alcohol Related Harm

- 5.41 The total annual cost to society of alcohol-related harm is estimated to be 21bn. The NHS incurs approximately £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.
- 5.42 Alcohol misuse is the biggest risk factor for death, ill-health and disability among 15–49-year-olds in the UK, and the fifth biggest risk factor across all ages. Alcohol is a causal factor in more than 60 medical conditions, including: mouth, throat, stomach, liver and breast cancers, high blood pressure, cirrhosis of the liver, and depression.
- 5.43 The indicators contained within the profile below were selected following consultation with stakeholders and a review of the availability of routine data. The Local Alcohol Profiles<sup>22</sup> for England (LAPE) are part of a series of products by Public Health England that provide local data alongside national comparisons to support local health improvement.
- 5.44 Alcohol use has health and social consequences borne by individuals, their families, and the wider community. The aim of LAPE is to provide information for local government, health organisations, commissioners and other agencies to monitor the impact of alcohol on local communities, and to monitor the services and initiatives that have been put in place to prevent and reduce the harmful impact of alcohol.



## Communication and integration with local residents and businesses

- 5.45 The Licensing Authority considers it extremely important that licensed premises operate as good neighbours within their community.
- 5.46 Licensees are encouraged to consult with local residents, businesses and local councillors prior to submitting an application for a new licence / certificate or variation of an existing licence / certificate to ensure the promotion of the licensing objectives and ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage.

<sup>22</sup> <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

- 5.47 Licensees are expected to be contactable to enable them to address and resolve relevant problems. This could include giving contact telephone numbers to local residents so they can report any issues to the premises for them to address. It is expected that contacts at the premises would be persons in a position of responsibility who are contactable whenever the premises are open to the public so that any issues can be addressed without delay. Licensees could also arrange regular meetings with neighbours to ensure good relations.

### Child Sexual Exploitation

- 5.48 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.
- 5.49 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.
- 5.50 Wigan Safeguarding Children Board (WSCB) can provide advice through training to assist licensed venues so that children remain safe, and businesses operate responsibly.
- 5.51 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.
- 5.52 WSCB<sup>23</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)

- 5.53 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.
- 5.54 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

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<sup>23</sup> <http://www.wigan.gov.uk/WSCB/Professionals/Child-sexual-exploitation.aspx>

psychoactive substances, including nitrous oxide (balloons and laughing gas), undermines the licensing objectives.

- 5.55 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>



## Chapter 6

### Cumulative Impact CIA

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- 6.1 'Cumulative impact assessments' were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018.
- 6.2 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 6.3 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 6.4 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 6.5 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

#### Evidence of Cumulative Impact

- 6.6 There must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and Responsible Authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - Statistics on local anti-social behaviour offences;
  - Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - Environmental health complaints, particularly in relation to litter and noise;



- Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- Residents' questionnaires;
- Evidence from local and parish councillors; and
- Evidence obtained through local consultation.

### Removal of Cumulative Impact Policy - Wigan Town Centre & Leigh Town Centre

- 6.7 The Licensing Authority have for some years recognised that Town Centres are areas where the behaviour of customers of all of the premises taken together have a greater impact than normal on the licensing objectives.
- 6.8 For this reason, having regard to the Guidance issued by the Home Office, we previously introduced a cumulative impact policy in two areas of the Borough, namely Wigan Town Centre and Leigh Town Centre.
- 6.9 This policy has been revised giving particular attention to the impacts that COVID-19 has had on the entertainment and hospitality sector. In response we have decided not to implement a Cumulative Impact Assessment (CIA) at this time. Instead we will focus on encouraging operators to submit applications that fit with our core hours framework and with robust operating schedules, containing suitable conditions that promote the 4 Licensing Objectives.
- 6.10 It is however still recognised that there are issues in these two areas and therefore we will place a bigger expectation on applicants in these two areas to ensure they submit applications that fit with our core hours framework and with robust operating schedules, containing suitable conditions that promote the 4 Licensing Objectives.
- 6.11 In reviewing the evidence to date, it is recognised that as the entertainment and hospitality sector was closed for considerable periods during the pandemic, and for that reason, the latest figures do not provide a true reflection of the issues we face within the Borough, and which would justify keeping such a policy in force.
- 6.12 It is also acknowledged, that from experience, robust conditions can help to tackle some of the issues being experienced in our Town Centres.

### Addressing Cumulative Impact

- 6.13 The Licensing Policy is also 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
  - Street Cleaning
  - Provision of Transport Facilities (including taxi ranks and taxi marshals)
  - Public Space Protection Orders (PSPO)
  - Police Enforcement (including confiscation of alcohol and the issuing of fixed penalty notices)
  - Closure Powers

- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Early Morning Restriction Orders
- Late Night Levy
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Local Authority
- Best practise schemes such as LSAVI, Welfare and Vulnerability Training, Ask for Angela, Pubwatch etc.

## Review

- 6.14 This policy, if approved, will be subject to regular reviews, and therefore we cannot rule out that a Cumulative Impact Assessment (CIA) may be introduced in the future, if there was evidence available to support this.

## Chapter 7

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

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- 7.1 Local residents, communities 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/alcohol-licensing](http://www.gov.uk/alcohol-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/LicensingAct2003](http://www.wigan.gov.uk/LicensingAct2003). 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 Licensing law is not the primary mechanism for the general control of nuisance and antisocial 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.

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)

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 It should be noted that the Licensing Authority cannot take into account 'need' or commercial demand, which is a matter for the market, when exercising any licensing function.
- 7.17 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right.
- 7.18 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.

## Petitions

- 7.19 We will accept petitions, but there are some important factors to consider before organising a petition:
- We ask that the organiser of the petition identifies them self as a central point of contact. We may need to make contact in order to verify certain matters and if we are unable to do this it could invalidate the petition
  - Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing
  - Full names and addresses must be supplied
  - All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.
- 7.20 We will not write to each signatory separately, but instead assume that the organiser will advise each signatory of the hearing date and the final outcome of the application should a hearing be required. It is expected that the organiser will represent the signatories at the hearing and to speak for them. When making a decision, the Licensing Authority will give appropriate weight to a petition. Those wishing to make representations should appreciate that the quality of the representations we received is an important consideration when making a decision.

## Disclosure of personal details of persons making representations

- 7.21 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.
- 7.22 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.
- 7.23 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.
- 7.24 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

### Partnership Working and Enforcement

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#### “Supporting Each Other to Create a Vibrant Night Time Economy”

##### Partnership Working

- 8.1 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.
- 8.2 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.
- 8.3 We fully accept that the majority of businesses operate in such a way as to ensure that they comply fully with legislative requirements.
- 8.4 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>24</sup>
- 8.5 While the authority is keen to promote partnership working with the trade, it is recognised that partnerships will operate most effectively where there is active participation and engagement by the trade.

##### Wigan Alcohol and Drug Service

- 8.6 In Wigan, local community organisations, the Drug & Alcohol Service and the Licensing Authority work in partnership to deliver a Communities in Charge of Alcohol (CICA) programme. This involves training and supporting community alcohol champions. Champions undertake a 2-day training programme “Understanding Alcohol Misuse” and receive a level 2 accredited qualification from the Royal Society of Public Health. Champions learn about alcohol misuse and how to talk to friends and family about alcohol and how to seek support if needed, as well as learning about the licensing process and how they can help if local on and off licensed premises are causing any community concerns.
- 8.7 The local Drug & Alcohol Service (We Are With You) also work in partnership with Wigan Town Centre Street Pastors. We Are With You delivered a training session to the Street Pastor volunteers and gave an insight into the effects of a range of drugs and alcohol and how to support people during their interactions, including supporting people to seek help with the Young Persons Drug & Alcohol Service. The whole Street Pastor Team were trained in opiate overdose care and they have Naloxone kits (opiate overdose) available.

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<sup>24</sup> <http://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Enforcement-Policy.aspx>

- 8.8 Wigan Hospital (Royal Albert Edward Infirmary) have strong links with the Community Alcohol Service. Individuals with high rates of A&E attendances and admissions are highlighted and encouraged at the hospital to link in to community support for alcohol misuse.
- 8.9 Wigan Alcohol and Drug Service offers an intensive offer for individuals to prevent further A&E attendances and admissions through the Active Case Management (ACM) Team. Young People attending A&E and the Rainbow Ward at the hospital where alcohol has been involved are referred to the local Young Persons Drug & Alcohol Team.

### **“Supporting You To Get It Right...”**

#### **Pubwatch**

- 8.10 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.
- 8.11 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.
- 8.12 Active participation in such schemes demonstrates good practice by the licensed trade. 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.

#### **Multi Agency Licensing Team**

- 8.13 We established a Multi-Agency Licensing Team in 2013 that meets on a regularly basis and which is attended by a number of Responsible Authorities as well as an Analyst. The general aim of the MALT is to ensure effective multi-agency dialogue to enable specific issues with licensed premises to be addressed, or to develop innovative approaches to address more general concerns.
- 8.14 We have a Licensed Premises Matrix that utilises crime data and incident data, as well as intelligence from CCTV to ‘score’ premises. The specific details associated with the ‘top 10’ premises, are discussed at the meetings, and a bespoke intervention agreed to support the premises to address the issues to optimise control and compliance.

#### **Welfare & Vulnerability Engagement Training**

- 8.15 We offer a grassroots training programme which aims to provide anyone working in the licensed industry with an awareness of vulnerability and their responsibilities towards people visiting their premises. This event will increase skills, knowledge



and confidence when tackling vulnerability by training staff how to identify vulnerability and make appropriate interventions. During the training, we will:

- Explore what vulnerability is
- Learn how to Identify vulnerability
- Identify interventions to assist in reducing and preventing harm
- Recognise and promote the Ask for Angela Campaign

### Ask for Angela Campaign

- 8.16 The safety initiative 'Ask for Angela' is being rolled out to bars, clubs and other licensed businesses in Wigan Borough. People who feel unsafe, vulnerable or threatened can discreetly seek help by approaching venue staff and asking them for 'Angela'. This code-phrase will indicate to staff that they require help with their situation and a trained member of staff will then look to support and assist them. This might be through reuniting them with a friend, seeing them to a taxi, or by calling venue security and/or the police.

### Licensing Security & Vulnerability Initiative (Licensing SAVI).

- 8.17 Wigan Council recommends licensed venues take part in the Licensing Security & Vulnerability Initiative (Licensing SAVI). This will give venues a Star-Rating, Accreditation and Award to display at the venue. This highlights the efforts taken to enhance safety and security.
- 8.18 Licensing SAVI brings together information that can help licensed venues promote the four licensing objectives. It is an online self-assessment and it covers effective management practices and operational security, including critical issues like:
- responsible drinking
  - drugs misuse
  - violent behaviour
  - safeguarding vulnerable customers
  - preventing opportunist theft
  - improving physical security, such as emergency exits, lighting and CCTV systems.
- 8.19 It specifically covers drink spiking and injection incidents, which often makes media headlines and contains a template in respect of female safety policy for venues to adapt for their own use.
- 8.20 For further information about Licensing SAVI visit: <https://licensingsavi.com>.

### Business Engagement Team

- 8.21 Businesses, both large and small, play a critical role in creating employment opportunities, stimulating investment and generating economic competitiveness within Wigan's local economy.

- 8.22 Our Invest in Wigan Team<sup>25</sup> offer a free and independent service to help you start, run or grow your business. It is available to any business located in, or looking to relocate to, the Borough.

### Purple Flag

- 8.23 It is our ambition to apply for Purple Flag Accreditation for our Town Centres, where possible. Purple Flag status is awarded to towns or cities that can demonstrate excellence in managing the evening and night-time economy, and which are diverse, vibrant, safe attractive and welcoming.
- 8.24 Purple Flag accredited towns have all reported a consistent increase in footfall and a decrease in crime and anti-social behaviour within the night time. It also provides a raised profile and an improved public image for the location and a more successful mixed-use economy in the longer term.

## "If Things Go Wrong..."

### Problems with existing licensed premises

- 8.25 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.
- 8.26 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.

### Enforcement

- 8.27 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.
- 8.28 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.
- 8.29 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.
- 8.30 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

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<sup>25</sup> <https://www.wigan.gov.uk/Business/Business-Support/index.aspx>

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.

8.31 Where enforcement action is considered necessary this will be taken in accordance with the principles of Wigan Council's Enforcement Policy<sup>26</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 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).
- ✓ Regard shall be had to the Council's Equal Opportunities and Customer Care Policies.

### Reviews of Premises Licences and Club Premises Certificates

8.32 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.

8.33 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.

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<sup>26</sup> <http://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Enforcement-Policy.aspx>

- 8.34 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.
- 8.35 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.
- 8.36 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.
- 8.37 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.

### **“Tools Available to Tackle the Issues...”**

#### **Late-Night Levy**

- 8.38 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.
- 8.39 There currently is no late-night levy in the Wigan Borough.

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

- 8.40 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.

- 8.41 There are currently no early morning alcohol restriction orders in the Wigan Borough.

### Cumulative Impact

- 8.42 A cumulative impact assessment (CIA) may be published by a Licensing Authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

- 8.43 There are currently no cumulative impact assessments (CIA) in the Wigan Borough.

### Closure Notices

- 8.44 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)

- 8.45 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.

- 8.46 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.

- 8.47 We currently have in place two Public Spaces Protection Orders (PSPOs) that cover Wigan Town Centre and Leigh Town Centre. In brief they currently prohibit the following activities in the defined areas:

- Intoxicating Substances
- Begging
- Anti-Social Behaviour

## Appendix A

### Responsible Authorities

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Applications for licences under the Licensing Act 2003 must be sent to the Licensing Team (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.**

The contact details for all Responsible Authorities including the Licensing Team 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) 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></p>	<p><b>(2) Greater Manchester Police</b></p> <p>Wigan Partnership Team Wigan Police Station Robin Park Road Wigan WN5 0UF</p> <p>✉ <a href="mailto:GMPLicensingWigan@gmp.police.uk">GMPLicensingWigan@gmp.police.uk</a></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>✉ <a href="mailto:OBSAdminBoltonWiganSalfordTrafford@manchesterfire.gov.uk">OBSAdminBoltonWiganSalfordTrafford@manchesterfire.gov.uk</a></p>	<p><b>(4) Planning</b></p> <p>Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS</p> <p>✉ <a href="mailto:planning@wigan.gov.uk">planning@wigan.gov.uk</a></p>
<p><b>(5) &amp; (6) Environmental Health (Health &amp; Safety / Environmental Protection)</b></p> <p>Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS</p> <p>✉ <a href="mailto:regulation@wigan.gov.uk">regulation@wigan.gov.uk</a></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 Team</b></p> <p>Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS</p> <p>✉ <a href="mailto:regulation@wigan.gov.uk">regulation@wigan.gov.uk</a></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></p>
<p><b>(10) Home Office (Immigration Enforcement)</b></p> <p>Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>✉ <a href="mailto:alcohol@homeoffice.gov.uk">alcohol@homeoffice.gov.uk</a></p>	<p><b>(11) Canal &amp; River Trust</b></p> <p>*This address only needs to be used for the licensing of vessels using British Waterways*</p> <p>Canal &amp; River Trust: North West Trencherfield Mill Heritage Way Wigan WN3 4BN</p> <p>✉ <a href="mailto:enquiries.northwest@canalrivertrust.org.uk">enquiries.northwest@canalrivertrust.org.uk</a></p>

## Appendix B

### Delegation of Functions

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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	-