Licensing Act 2003

Licensing Policy Statement

January 2011
Improving people’s lives IN Salford
Contents

Part 1. Introduction

Part 2. Authority profile

Part 3. Licensable activities

Part 4. Licensing objectives - overview

Part 5. Licensing objective - prevention of crime and disorder
   A) personal licences
   B) premises licences
   C) drugs

Part 6. Licensing objective - protecting public safety
   a) premises/venue safety
   b) drugs

Part 7. Licensing objective - preventing public nuisance
   a) location of premises and licensing hours
   b) location and impact of activity
   c) management of potential noise nuisances
   d) consideration of the impact of licensed activities
   e) other matters

Part 8. Licensing objective - protecting children from harm
   a) children
   b) sex related activities
**Part 9. Licensing Process**  28

**Part 10. Adult Entertainment**  31

**Part 11. Cumulative Impact and Saturation Policy**  32

**Part 12. Other important information**  36
   
a) integration strategies  
b) provisional statements  
c) temporary events notices  
d) enforcement  
e) casinos and bingo clubs

**Appendix 1**  39  
Statutory Consultees

**Appendix 2**  40  
Responsible Authorities

**Appendix 3**  41  
Scheme of Delegation  
(This does not form part of the policy but is included for ease of reference)

**Appendix 4**  42  
Contact details for responsible authorities and other useful information  
(This does not form part of the policy but is included for ease of reference)
1. **Introduction**

Salford City Council is the licensing authority (and is referred to in this document as “the licensing authority” unless otherwise stated) within Salford under the provisions of the Licensing Act 2003 (“the Act”).

The policy statement has been prepared under Section 5 of the Act and in accordance with the Guidance issued by the Secretary of State for Culture, Media and Sport, in October 2010 (“the Guidance”). The licensing authority is bound by the Act and any regulations made under the Act.

In relation to the Guidance, the licensing authority must have regard to it, but can, if it considers it appropriate, deviate from the Guidance. It must, however, have good reasons to justify doing so and will explain these reasons in the circumstances of the particular application.

The licensing policy statement will guide the licensing authority when considering licence applications and the control of licensed premises as required by the Act.

The policy will provide guidance to applicants, objectors and interested residents and businesses as to the approach the licensing authority will take towards licensing. This policy has been the subject of consultation with local bodies, organisations and residents. A list of the statutory consultees is contained in Appendix 1.

The policy will come into force in January 2011 and will remain in force until a statutory or other review and consultation process is deemed necessary. The licensing authority will keep the policy under review, making any amendments it considers appropriate to support the licensing objectives. Any amendments will be published in the form of a new policy statement or, if appropriate, by publishing the amendment.

In adopting this policy, the licensing authority recognises both the needs of residents for a safe, healthy and sustainable environment in which to live and work and the importance of well run entertainment and leisure premises to the economy and vibrancy of Salford.

The licensing authority will carry out its licensing functions in a way that ensures public safety, supports well managed premises where licence holders show sensitivity to the potential impact of licensable activities on local residents and other businesses, and protects residents from detrimental effects.
The licensing process can only seek to control those measures within the control of the licensee and ‘in the vicinity’ of a premises. The conditions attached to various authorisations will, therefore, focus on:-

- Matters within the control of individual licensees and others who are granted any relevant authorisations
- The premises and places being used for licensable activities and their vicinity; and
- The direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Every application considered by the licensing authority under this policy will be considered on its individual merits.

Nothing in the policy will undermine the rights of any individual to apply for a variety of permissions under the Act and to have any such application considered on its individual merits.

Applicants should refer to part 9 of this policy statement prior to the submission of an application.

Nothing in this policy shall override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act. However, this will not include applications or representations which are considered to be frivolous, vexatious or repetitious.
Authority profile

Salford is one of ten metropolitan districts in Greater Manchester.

Salford has over 700 premises licensed under the Licensing Act 2003. Over 500 of these supply alcohol for consumption on and/or off the premises, many providing entertainment too. There are over 100 late night take-aways and 30 premises which provide regulated entertainment only. On average, the authority receives 175 notices each year to hold temporary events for regulated entertainment and/or sale of alcohol.

The licensing authority has also issued 1500 personal licences since 2005. This number includes people who live within the city of Salford but work in premises outside the city.
3. **Licensable activities**

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

a) **Retail sales of alcohol**

b) **The supply of alcohol by or on behalf of a club**

c) **The provision of regulated entertainment, being**

   i) **Performance of a play**
   
   ii) **Exhibition of a film**
   
   iii) **An indoor sporting event**
   
   iv) **Boxing or wrestling entertainment**
   
   v) **Performance of live music**
   
   vi) **Playing of recorded music (excluding incidental music)**
   
   vii) **A performance of dance**
   
   viii) **Entertainment of a similar description to that falling within v, vi, and vii)**

Where the entertainment takes place in the presence of an audience;

d) **The provision for making music or for dancing**

e) **The provision of late night hot refreshment at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises.**
4. **Licensing objectives**

There are four licensing objectives in the Act and the licensing authority will promote these objectives when undertaking its licensing functions under the Act:

(i) The prevention of crime and disorder
(ii) Public safety
(iii) The prevention of public nuisance; and
(iv) The protection of children from harm

The licensing objectives are paramount considerations to be taken into account by the licensing authority in determining an application made under the Act, and any conditions attached will be ones necessary to achieve the licensing objectives.

Each objective is of equal importance. They will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the carrying on of that business has on the vicinity.

In undertaking its licensing functions, the licensing authority will be mindful of other legislation, strategies and policies which may impact on the promotion of the licensing objectives. In particular, these include:

- Crime and Disorder Act 1998
- Equality Act 2010
- Anti-Social Behaviour Act 2003
- Criminal Justice and Police Act 2001
- Violent Crime Reduction Act 2006
- Clean Neighbourhoods and Environment Act 2005
- Health Act 2006
- Private Security Industry Act 2001
Policing and Crime Act 2009

Crime and Security Act 2010

Regulatory Reform Order (Fire Safety) 2005

Crime and Disorder Reduction Strategy

Regulators’ compliance code

Salford City Council Environment and Community Safety Directorate enforcement and prosecution policy

Joint enforcement protocol with responsible authorities under the act

Alcohol harm reduction strategy

Safer Clubbing

LACORS Practical Guide to Test Purchasing

Culture and tourism strategies

Local transport plan

EU Services Directive

The licensing authority will continue to develop appropriate partnership arrangements, working closely with the police and fire authorities, local businesses, pub watch schemes, community representatives and local people, in meeting these objectives.

This policy statement recognises the Equality Act 2010, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. This policy statement also recognises that the licensing authority is required to produce a race equality scheme, assessing the impact of proposed policies on race equality and to monitor policies for impact on the promotion of race equality. The licensing authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.
This policy statement recognises the Disability Discrimination Act 1995 and the Equality Act 2010. The licensing authority will have regard to this legislation when determining applications.
5. **Licensing objective - prevention of crime and disorder**

(A) **Personal licences**

**Introduction**

The licensing authority recognises it has very little discretion regarding the granting of these licences. In general, provided an applicant has a qualification approved by Department for Culture Media and Sport (DCMS) and does not have certain serious criminal convictions; the application has to be granted.

If an applicant has a relevant conviction, Greater Manchester Police can oppose the application. If the Police lodge an objection, a hearing in front of members of the council’s Licensing Regulatory Panel will be held.

**Policy**

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

**Reason**

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

(B) **Premises licences**

**Policy**

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder, and imposed a duty on local authorities and others to consider crime and disorder reduction in the exercise of all their duties.

The Licensing Act 2003 complements this duty for licensing authorities.
The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective.

Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained, to minimise and prevent crime and disorder in and around the vicinity of their premises.

When addressing the issue of crime and disorder, an applicant must demonstrate that those factors that impact on crime and disorder have been considered. These include:-

- Underage drinking
- Drunkenness on premises
- Drunkenness in public places
- Drug supply and use
- Violent behaviour
- Anti-Social behaviour

When addressing crime and disorder the applicant should identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with identified issues should be included in the applicant’s operating schedule. Such steps may include the following:-

- Effective and responsible management and supervision of the premises, including associated open areas
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
- Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice such as those mentioned in part 4)
- Acceptance of accredited ‘proof of age’ documentation, by means from time to time recognised by the council in consultation with the Police.

- Provision of effective CCTV in and around premises

- Employment of Security Industry Authority licensed door staff

- Participation in local trade liaison schemes, e.g. Pub watch

- Provision of toughened or plastic glasses

- Provision of secure deposit boxes for confiscated items

- Provision of litter bins and security measures such as lighting outside premises

- Procedures for risk assessing promotions and events, so as to comply with mandatory conditions, in relation to crime and disorder and plans for minimising such risks

- Measures and policies to prevent the use or supply of illegal substances, including search and entry policies

- Responsible participation in a local radio link scheme

This Licensing Authority supports Challenge 21 and Challenge 25 proof of age policies.
Reasons

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

(C) Drugs

Introduction

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

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

The licensing authority recognises that drug use by people in a club environment is not something that is relevant to all licensed premises. However, many entertainment venues such as night clubs and dance venues can be popular both with drug misusers and suppliers.

Policy

The licensing authority will expect licensees to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent the misuse of drugs within the premises and to take practical measures to prevent tragedies as a result of drug misuse.

The licensing authority will also expect licensees where appropriate to be following the recommendations of the book ‘Safer Clubbing’ issued by the London Drugs Policy Forum and endorsed by the Home Office (The Safer Clubbing Checklist for Club Owners, Managers and Event Promoters).
Licensees should follow these recommendations on a voluntary basis as failure to do so could lead to the licence being reviewed with the possibility of revocation. In appropriate cases, the licensing authority will consider imposing the recommendations by way of licence conditions.

The licensing authority will require the applicant to identify any particular issues (having regard to the particular type of premises and/or activities) relating to the entry of and use of drugs on their premises, and set out in their operating schedule how such issues will be dealt with.

**Reason**

The purpose of this policy is to support crime prevention and to ensure public safety by preventing loss of life caused by drug abuse and other factors.
6. Licensing objective - public safety

Introduction

The public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with by other legislation.

(A) Premises/venue safety

Policy

The licensing authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

The licensing authority will expect premises to be constructed, maintained and managed to recognised standards of safety, and will expect the applicant to have addressed the requirements of health and safety at work and fire safety legislation.

Applicants must demonstrate in their operating schedule that where appropriate suitable measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises, events and activities.

Where an applicant identifies issues with regard to public safety which are not covered by existing legislation, the applicant should include in its operating schedule the steps which will be taken to ensure public safety. Depending on the particular type of premises and/or the activities to be carried on, the following issues may be relevant.

- The safe maximum capacity limit of the premises, in particular, having regard to floor area and means of escape;
- The condition, design and layout of the premises, including means of escape in case of fire;
- The nature of the licensable activities provided, in particular, the sale of alcohol, including whether such activities are of a temporary or permanent nature;
- Hours of operation;
● Customer profile (age, disability etc);

● The necessary health and safety and fire risk assessment for the premises and other measures to reduce risk to public safety;

● Risk assessments and safety procedures for the use of any special effect devices; e.g. lighting, pyrotechnics, laser, smoke machines etc;

● The number of people employed or engaged to secure the safety of all persons attending the premises or event;

● Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of all persons attending the premises or event;

● Where appropriate, noise exposure controls, for both staff and public, which have been detailed in accordance with the appropriate legislation;

● Arrangements to ensure that litter, generated by activities at the premises, does not present a fire hazard;

● Implementation of appropriate crowd management measures;

● Alerting people to the dangers of drinking and driving;

● Any arrangements or advertising of taxis and private hire vehicles to relate only to vehicles which are duly licensed.

The licensing authority will have particular regard to representations from all relevant responsible authorities including Greater Manchester Fire and Rescue Service and Greater Manchester Police, to determine whether measures proposed are suitable to ensure the safety of the public. The licensing authority will not normally grant an application for a licence or a variation where representations are made by one of the above mentioned bodies, expressing concern regarding public safety, unless either the applicant can demonstrate compelling reasons why the application should be approved in the light of such representations or the matter can be adequately dealt with by conditions.
Prior to the determination of an application where not covered by existing legislation, an applicant must ensure the licensing authority has been provided with such certificates as is necessary to ensure the safety of the premises. These include, where appropriate:

- Electrical inspection certificate;
- Fire alarm test inspection certificate;
- Emergency lighting inspection and test report;
- Fire fighting equipment;
- Flame retardant properties of materials certificate (new premises or new upholstery);
- Gas safety certificate;
- Ceiling certificate (in the case of cinemas).

The licensing authority will work in close partnership with the Greater Manchester Fire and Rescue Service to assist in determining an appropriate maximum capacity, where required, at individual premises and venues.

**Reason**

Public safety is a very important licensing objective as it is about protecting the safety and lives of patrons. It is the intention of the licensing authority that anyone visiting licensed premises can do so in complete safety.
(B) **Drugs**

The licensing authority recognises that the management of drugs issues is relevant to the licensing objective to protect public safety. However, the council’s policy on drugs misuse is set out in Part 5(C).
7. Licensing objective - preventing public nuisance

(A) Location of premises and licensing hours

Policy

The licensing authority recognises the Act’s intention to achieve a more flexible licensing regime, with a concept of wider hours of operation than previously existed.

It also recognises that widespread fixed closing times in certain areas can lead to peaks of disturbance and disorder, when large numbers of people come onto the streets at the same time, potentially causing friction at late night food outlets, taxi ranks and other late night services. Therefore, the licensing authority recognises that flexible licensing hours may be an important factor in reducing such problems.

Licensed premises, especially those operating at night and in the early hours of the morning, can cause a range of nuisances, impacting on people living, working or sleeping within the vicinity of the premises. The nuisance mainly relates to noise nuisance, light pollution, noxious smells, litter and anti-social behaviour.

Applicants will have to demonstrate, in their operating schedules, that suitable and sufficient measures have been identified to prevent public nuisance, relevant to the individual style and characteristics of the premises and/or activities.

Each application will be determined on its own merits, but the hours requested by the applicant will normally be approved where the applicant can show to the satisfaction of the licensing authority, that the proposals would not adversely affect the environmental quality, residential amenity and character of any particular area. The licensing authority in determining any such application, will also take into account those premises which have had no past history of disorder. For the avoidance of doubt relevant representations are required to be received by the licensing authority to enable it to consider altering the opening hours set out in the operating schedule.
Where alcohol is sold, applications should include both the times at which sales of alcohol will cease and the time when the premises will close.

The licensing authority accepts the principle of activity, which does not undermine the licensing objectives, taking place over 24 hours and seven days a week.

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

The licensing authority recognises the special position of restaurants and other premises where the sale of alcohol is incidental to the main licensable activities of the premises.

Where late hours are requested, particularly involving entertainment, the imposition of conditions may be appropriate following valid relevant representations, to achieve the licensing objectives.

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

Reason

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

(B) Location and impact of activity

Introduction

This part of the policy is concerned with whether a proposal is appropriate in a location with particular regard to impact on residential areas.

Policy

The licensing authority will normally expect an earlier closing time for a licensed premise in a residential area but a later closing time may be permitted for premises located:
- In predominantly commercial areas;
- Where there is a high level of accessibility to public transport services;
- Where there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicular movement will not cause demonstrable adverse impact to local residents; and
- The operating schedule submitted with the application indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.

If relevant representations are received the applicant may need to provide further information to the licensing authority in order to satisfy it that longer hours of opening will not adversely impact upon the locality, including demonstrating that:

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

Stricter conditions in relation to noise control may be imposed in areas which have denser residential accommodation, where the licensing authority is empowered to do so following a valid relevant representation.

**Reason**

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

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells or congestion on the footway. It may also be caused by the customers being noisy when leaving, leaving litter or taking up on-street car parking spaces needed by residents. The impact of noise generation by these activities, especially customers departing
either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

(C) Management of potential noise nuisances

Policy

The applicant will be expected to propose practical steps to prevent disturbance to local residents in appropriate cases and have regard to the “Good Practice Guide on the control of noise from pubs and clubs” produced by the Institute of Acoustics.

In relation to noise from within the building, the licensing authority will expect the applicant (where the applicant identifies it as appropriate having regard to the particular type of premises and/or activities) to have carried out sound tests to ascertain whether there is sound leakage. This noise could relate not only to music but also to equipment or patrons. If there is sound leakage, the licensing authority will expect the applicant to address this in its operating schedule by such steps as, where appropriate:-

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

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

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

When addressing noise nuisance issues the applicant should identify any particular issues (having regard to their particular type of premises
and/or activities) which are likely to adversely affect the promotion of the public nuisance objective.

Following the prohibition of smoking in public places, applicants should be mindful of the potential nuisance which could result from smokers congregating in outdoor areas.

Such steps as are required to deal with identified issues should be included in the applicant’s operating schedule, such steps may include:-

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- At appropriate times using the PA system to make announcements to the same effect.
- Instructing door staff to ask customers leaving the premises to leave the area quietly.
- Reducing the volume of music towards the end of the evening and where appropriate, playing quieter, more soothing music as the evening winds down.
- Banning from the premises people who regularly leave in a noisy manner.
- Increasing outside lighting levels.
- Where there is a private forecourt, preventing customers from using it in such a manner as may give rise to a potential for nuisance.
- Ensuring that customers are not allowed to take bottles or glasses of alcohol out of the premises.
- Taking appropriate measures where necessary, to deal with light pollution and noxious smells.

Reason

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

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

(D) Consideration of the impact of licensed activities

Policy

Following the receipt of any relevant representations, when considering whether any licensable activity should be permitted, the licensing authority will assess the likelihood of it causing unacceptable adverse impact, particularly on local residents, by considering the following factors:

- Type of use, number of customers likely to attend the premises and its intended or likely clientele
- Proposed hours of operation
- Level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers
- Means of access to the premises, which should have customer entrances on the principal pedestrian routes
- Cumulative impact of licensed premises in an area
- Scope for mitigating any impact
- How often the activity occurs

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

- Of past demonstrable adverse impact from the activity, especially on local residents
That, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate the adverse impact. If, however, such measures have not been put into effect or there has been insufficient time to assess them, this could impact on the determination of the application.

Any previous history of good management of the premises

**Reason**

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

- The precise nature of the activity, especially for entertainment, will be a factor in considering the impact of the customers.

- Levels of noise from licensed premises, which may be acceptable at certain times of the day, may not be acceptable later in the evening or at night when ambient noise levels are much lower.

- The licensing authority’s preference is to see licensed activities located in places where customers are not reliant on private car use, and can walk or use public transport. In town centres, a high use of public transport could be expected by the customers of licensed premises but, even then, car use is likely to increase when activities go on very late. Consequently, there would be unacceptable parking and traffic in nearby residential areas.

- The main impact of customers arriving, queuing and leaving, should be confined to principal pedestrian routes as far as possible. It would not be appropriate, for instance, to have licensed activities which cause large numbers of people to exit into a residential area as opposed to a situation where pedestrian movement takes place directly to and from nearby public transport services.
Car parking by customers of licensed premises can be a serious problem. This affects local residents in terms of noise and their ability to find a parking space, particularly after the hours when any controlled parking zones are in operation. It can also affect the movement of essential traffic on primary routes and delay buses and emergency services. When considering the possible impact on residents, the licensing authority will look at the area within which the impact could be experienced, in particular the likely distance at which most customers arriving by car would seek to park. The potential parking area for major entertainments can be substantial.

With any adverse impact, it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable, an activity may be licensed. In accordance with the Statutory Guidance, the decisions taken by the licensing authority will be focused on matters within the control of individual licensees and others granted relevant permissions, and the steps they can take to achieve the licensing objectives. Accordingly, these matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of public living, working or engaged in normal activity in the area concerned.

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

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

(E) Other matters

The licensing authority recognises that cumulative impact and the feasibility of adopting special saturation policies are relevant to the licensing objective to prevent public nuisance. Reference is made to these issues in Part 11.
8. **Licensing objective - protecting children from harm**

(A) **Children**

**Policy**

The licensing authority recognises that the Act allows for the free access of children to all licensed premises, subject to the licensee’s discretion and any conditions applied to the licence.

The licensing authority will not wish to impose conditions positively requiring the admission of children to licensed premises, which should remain a matter of discretion for the licensee of those premises, subject to there being no conflict with the licensing objective of protecting children from harm.

However, when considering applications for premises licences, the licensing authority will take into account the history of a particular premises, and the nature of activities proposed to be provided, for example:-

- Where there have been convictions for serving alcohol to minors or premises with a reputation for underage drinking;
- Where premises have a known association with drug dealing or taking;
- Where there is a strong element of gambling on the premises; (this does not include premises which only contain a small number of cash prize gaming machines);
- Where entertainment of an adult or sexual nature is provided.

In such instances, the licensing authority may attach conditions to any licence to:-

- Limit the hours when children may be present;
- Restrict the age of persons allowed on the premises;
- Require an accompanying adult;
- Limiting or prohibiting access when certain activities are taking place.
It is rarely likely to be necessary that a complete ban on children entering particular premises is imposed.

Where there is the provision of entertainment to children, the licensing authority will require the presence of a sufficient number of adult staff to ensure public safety and protection from harm. The provision of such staff should be included in the operating schedule.

Where child performers are present in licensed premises, the licensing authority may if necessary require a nominated adult to be responsible for such child performers.

In shows involving a cast made up predominantly of children, consideration should be given to the appropriateness of the venue, fire safety arrangements, special effects and supervision of children.

Where the exhibition of films is permitted, the licence or certificate must include a condition which will restrict access only to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or in specific cases, a certificate given to the film by the licensing authority.

When addressing the protection of children the applicant should identify any particular issues (having regard to the particular type of their premises and/or activities, and ages and number of children and any other issues such as disabilities that the children may have), which are likely to affect the protection of children from harm objective. Such steps as are required to deal with identified issues should be included in the applicant’s operating schedule, such steps may include the following:-

- Arrangements taken or proposed to prevent children from acquiring or consuming alcohol.
- Steps taken or proposed to prevent children from being exposed to drugs, drug taking or drug dealing.
- Arrangements taken or proposed to prevent children from being exposed to gambling.
- Steps taken or proposed to prevent children from being exposed to activities of an adult or sexual nature.
- Steps taken or proposed to prevent children from being exposed to incidents of violence or disorder.

- Measures taken or proposed to prevent children from being exposed to environmental pollution such as excessive noise.

- Measures taken or proposed to prevent children from being exposed to special hazards such as falls from height.

- Steps taken or proposed to prevent children from purchasing cigarettes from vending machines.

- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.

- Premises restrictions on the access by children to the whole or any part of the premises, including times when children may not be present.

For the purpose of this policy, the licensing authority recognises the following body as “the responsible body” to advise on matters relating to the protection of children from harm:

Local Safeguarding Children Board
Emerson House
Albert Street
Eccles
M30 0TE

**Reasons**

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

**(B) Sex related activities**

The licensing authority recognises that the provision of sex related activities is restricted to the licensing objective to protect children from harm, but the council's policy regarding the provision of sex-related activities is outlined in part 10.
9. The licensing process

Applications

The licensing authority strongly encourages applicants to discuss proposed applications with a licensing officer and responsible authorities at an early stage and prior to the submission of the application itself. This should identify potential problems and help to build good partnership working. It may also reduce the need for a hearing at a later stage.

The licensing authority will expect all applicants to specify the methods by which they will promote the four licensing objectives in their operating schedules, having regard to the type of premises, the licensable activities proposed, the operational procedures, the nature of the location and the needs of the local community.

The lists of possible control measures set out in parts 5 to 8 of this policy provide guidance for applicants when considering how to develop their operating schedules but are not to be regarded as absolute requirements and will not be used by the licensing authority to create standard conditions.

Applicants are encouraged to make themselves aware of any relevant planning and transport policies, tourism and cultural strategies and local crime and disorder strategies, and to take these into account, where appropriate, in the formulation of their operating schedules.

The authority considers that a well-drawn, specific operating schedule indicates that an applicant understands and is prepared to meet the responsibilities of a licence holder under the Act.

The authority considers that a blank or sparsely completed operating schedule may give the impression that the applicant has given inadequate thought to the responsibilities of a licence holder.

The processing of applications by the licensing authority is controlled by a strict statutory timetable. Therefore, the licensing authority will not normally accept an application unless it is complete in all respects at the time of submission.
Determination of applications

The licensing regulatory panel will carry out the duties of the licensing authority under the Act in accordance with its scheme of delegation. (The Scheme is included in the policy document at Appendix 3 for ease of reference.)

It is expected that many of the licensing authority’s functions will be largely administrative in nature, with no perceived areas of contention. In the interests of efficiency and cost-effectiveness, officers will for the most part, carry these out.

The licensing authority will have regard to Guidance issued by the Department for Culture Media and Sport (DCMS) when determining applications. In particular, account will be taken of the need to encourage and promote live music, dancing and similar activities for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for disturbance in a particular neighbourhood, then those concerns will be carefully balanced against the wider benefits to the community.

Conditions

The licensing authority acknowledges that where no representations are made to it by responsible authorities or interested parties about an application, its duty is to grant the licence or certificate subject only to conditions which are consistent with the applicant’s operating schedule, and any mandatory conditions prescribed by the Act.

The licensing authority will not therefore impose any conditions unless its discretion has been engaged following the making of a relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations.

The licensing authority will avoid imposing disproportionate and over-burdensome conditions on premises.

The licensing authority will not implement standard conditions on licences but instead will draw upon the model pool of conditions issued by the DCMS and included in the Guidance, as well as the model pool of conditions suggested by the responsible authorities. The licensing
authority will only attach conditions as appropriate given the circumstances of each individual case.

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

When attaching conditions to a licence, the licensing authority will be aware of the need to avoid, as far as possible, measures which might deter live music, dancing or theatre through the imposition of substantial indirect costs.

The licensing authority will endeavour to ensure that, if a decision is made which is contrary to the statutory Guidance, the applicant will be given a full explanation of that decision.

The licensing authority acknowledges the Guidance in that the views of local minorities must be balanced with the general interests and wider cultural benefits of the community.

The licensing authority will monitor the impact of licensing under the Act on the provision of regulated entertainment, and in particular live music and dancing.
10. **Adult entertainment**

**Introduction**

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

**Policy**

The licensing authority will not normally grant licences which involve a sex related element near schools, nurseries, places of worship, hospitals, youth clubs or other sensitive premises where significant numbers of children are likely to attend.

Where such licences are granted, conditions will be imposed if necessary which are designed to ensure that children are not admitted to and cannot witness either these activities or advertisements for them, as well as those conditions necessary to prevent crime and disorder problems.

If a premises licence or club certificate application does not specifically refer to adult entertainment of any kind, the licence/certificate will specify that adult entertainment is not authorised.

**Reason**

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

In due course, this authority will consider its position in relation to the Local Government (Miscellaneous Provisions) Act 1982 and the new legislation concerning sex entertainment venues.
11. **Cumulative impact and Saturation Policy**

**Policy**

Where the licensing authority receives representations from a responsible authority or an interested party that the cumulative effect of licences is leading to an area becoming saturated with licensed premises, creating problems of disorder and/or nuisance, over and above the impact of the individual premises, the licensing authority can properly consider whether or not the granting of an additional licence might lead to one or more of the licensing objectives becoming undermined.

Nothing in this policy will seek to limit the number of licensed premises simply because the licensing authority considers that there are enough licensed premises to satisfy demand. This is properly a commercial decision for the applicant.

For the avoidance of doubt:-

- All applications will be considered on their merits
- No ‘quotas’ are imposed by this policy
- No restriction or limitation on trading hours in a particular area is imposed by this policy

The licensing authority has a duty to consider Section 17 of the Crime and Disorder Act and the impact on crime and disorder of each application.

The impact on the promotion of the licensing objectives is a matter which the licensing authority can take into account when considering a particular application.

The licensing authority recognises that a potential cumulative effect of a proliferation of late night licensed premises (including night cafes) may result in an increase in number of people either walking through or congregating in streets during the night and this may have a number of undesirable consequences, including:-

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

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

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

It should be noted that the licensing policy is only one means of addressing the problems identified above, but it cannot itself address issues relating to the behaviour of individuals or groups unless in the vicinity of the licenses premises.

The policy is part of a framework of measures, including:

- Planning controls
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas
- Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise
- Prosecution of personal licence holders or members of staff who sell alcohol to people who are drunk
- Powers of the police, responsible authorities, local residents or businesses, or councillors to seek a review of a premises licence or club certificate
- Police enforcement of the general law concerning disorder and anti-social behaviour
- Provision of CCTV
- Metal detection and search facilities
- Minimising risk from drink promotions and similar
- Drug control policies
- Use of trained security and other staff
- Participation in local trade liaison schemes e.g. Pub watch
- Consideration of the use of Anti-Social Behaviour Orders
- Transport provision, including buses and taxis

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

As such, the licensing authority will take into account:

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

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

**Reason**

The ‘cumulative impact’ of the granting of new premises licences or variation to an existing licence on the promotion of the licensing objective to prevent crime and disorder, is a proper matter for the licensing authority to consider under this policy.

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

Policy

The licensing authority will consider adopting a special saturation policy if it considers that an area is already saturated with licensed premises. Before a special saturation policy is adopted, the following must take place:

- Identification of concern about crime and disorder or public nuisance;

- Consideration of whether it can be demonstrated that crime and disorder or nuisance are arising and are caused by the customers of licensed premises, and, if so, identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;

- Consultation with those specified by Section 5(3) of the Act as part of the general consultation required in respect of the whole statement of licensing policy.

- Subject to that consultation, inclusion of a special policy about the future premises licence or club premises certificate applications from that area within the terms of this licensing policy.

- Publication of the special policy as part of this licensing policy.

If a special saturation policy is adopted, it will be reviewed at least every three years to see if it is still needed or it has had the desired effect.

Reason

This section provides the framework to enable the licensing authority to adopt a special saturation policy where this is deemed necessary to support the licensing objective of preventing crime and disorder and/or public nuisance.
12. Other important information

(A) Integration strategies

(i) Planning

Planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. They involve consideration of different, although related matters.

The licensing authority will normally expect that prior to the submission of a licensing application, the appropriate planning permission will have been granted in respect of any premises. However, applications for licences may be made before any relevant planning permission has been sought or granted. The authority will also normally expect that any operating hours sought do not exceed those, if any, authorised by the planning permission.

Operating hours granted within the licensing process do not replace any restrictions imposed as a planning condition. Planning conditions will be addressed through the planning process.

It is recognised that in certain circumstances, a provisional statement may be sought alongside planning permission.

(ii) General

The licensing authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies.

The co-ordination of duties will include regular liaison with external agencies such as the police, fire service, health and safety executive, and council services such as environmental health which deal with statutory nuisances, food hygiene and health and safety matters and trading standards on consumer protection.

The licensing authority will ensure that, in accordance with the guidance, it will receive reports on the following matters to ensure they are taken into account where appropriate, when making decisions under the Act:

- The needs of the local tourist economy and cultural strategy for the city.
● The employment situation in the city and any need for investment and employment.

The licensing authority recognises the need not to duplicate other regulatory regimes.

(B) **Provisional statements**

The licensing authority recognises that in certain situations, businesses and developers need to have security that a premises licence is likely to be granted following construction of new premises or alteration of existing unlicensed premises. The council will issue provisional statements in accordance with the Act and Guidance.

(C) **Temporary events notices**

Although temporary events are not subject to the same degree of control as premises which are the subjects of premises licences, individuals who have given notice of such events will be encouraged to organise the event in such a way that supports all the licensing objectives.

(D) **Enforcement**

Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. The licensing authority will make arrangements to monitor premises, undertake inspections to support the licensing objectives and take appropriate enforcement action.

Enforcement will be in accordance with the regulators’ compliance code as well as the enforcement and prosecution policy of the Environment and Community Safety Directorate of Salford City Council.

The licensing authority has also established enforcement protocols with the police and other responsible authorities to ensure efficient and targeted enforcement. Regular meetings are held to monitor compliance with licensing requirements and appropriate action taken.

(E) **Casinos and bingo clubs**

These types of premises are also subject to separate legislation with regard to the regulation of gambling - the Gambling Act 2005.
Where applicants wish to carry out licensable activities under the 2003 Act, the applicant may refer in the operating schedule to any conditions imposed under the Gambling Act, in detailing the steps to be taken to promote the licensing objectives.
Appendix 1: Statutory consultees

(a) Greater Manchester Police

(b) Greater Manchester Fire and Rescue Service

(c) Persons/bodies/representatives of local holders of premises licenses.

(d) Persons/bodies/representatives of local holders of club premises certificates.

(e) Persons/bodies/representatives of local holders of personal licences.

(f) Persons/bodies/representatives of businesses and residents in the area.

(g) The body responsible for the protection of children.
Appendix 2: Responsible authorities

- Chief Officer of Police
- Fire and Rescue Authority
- Planning Authority
- Children’s Services Directorate
- Environmental Health/Protection
- Trading Standards
- Environmental Health (Health and Safety)
- Public Health

Contact details for the responsible authorities can be found in Appendix 4 or on the website at [www.salford.gov.uk/alcohol](http://www.salford.gov.uk/alcohol)
Appendix 3: Scheme of Delegation: Licensing Act 2003

The licensing authority will exercise and delegate functions in accordance with this table.

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Full Committee</th>
<th>Sub-Committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence</td>
<td>If a police objection is made</td>
<td>If no objection is made</td>
<td></td>
</tr>
<tr>
<td>Application for personal licence with unspent convictions</td>
<td></td>
<td>All cases</td>
<td></td>
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<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If a relevant representation is made</td>
<td>If no relevant representation is made</td>
<td></td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td>If a relevant representation is made</td>
<td>If no relevant representation is made</td>
<td></td>
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<tr>
<td>Application to vary premises licence/club premises certificate</td>
<td>If a relevant representation is made</td>
<td>If no relevant representation is made</td>
<td></td>
</tr>
<tr>
<td>Application to vary designated premises supervisor</td>
<td>If Police objection is made</td>
<td>All other cases</td>
<td></td>
</tr>
<tr>
<td>Request to be removed as designated premises supervisor</td>
<td></td>
<td>All cases</td>
<td></td>
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<tr>
<td>Application for transfer of premises licence</td>
<td>If Police objection is made</td>
<td>All other cases</td>
<td></td>
</tr>
<tr>
<td>Application for interim authorities</td>
<td>If Police objection is made</td>
<td>All other cases</td>
<td></td>
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<tr>
<td>Application to review premises licence/club premises certificate</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant, frivolous, vexatious etc.</td>
<td></td>
<td>All cases</td>
<td></td>
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<tr>
<td>Decision to object when local authority is a consultees and not the relevant authority considering the application</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Determination of a police objections to a temporary event notice</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for a minor variation of a premises licence/club premises certificate</td>
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<td>All cases</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 4: Useful contacts (Responsible Authorities)

1. Licensing Section
   Salford City Council
   Turnpike House
   631 Eccles New Road
   Salford
   M50 1SW
   **Tel:** 0161 925 1080
   **Fax:** 0161 793 2830
   **Email:** licensing@salford.gov.uk
   **Web:** www.salford.gov.uk/licensing

2. Greater Manchester Police
   F Division
   Swinton Police Station
   Chorley Road
   Swinton
   M27 6AQ
   **Tel:** 0161 856 5480
   **Email:** salford.partnershipteam@gmp.police.uk

3. Greater Manchester Fire and Rescue Service
   Salford Borough Command HQ
   Eccles Fire Station
   Liverpool Road
   Eccles
   M30 0RZ
   **Tel:** 0161 609 0214
   **Email:** salfordandtrafford@manchesterfire.gov.uk

4. Director of Development Services
   Planning
   Urban Vision Partnerships Ltd
   Emerson House
   Albert Street
   Eccles
   Salford
   M30 0TE
   **Tel:** 0161 909 6545
   **Email:** planning.contact@salford.gov.uk

5. Salford Safeguarding Children Board
   Sutherland House
   303 Chorley Road
   Swinton
   M27 6AY
   **Tel:** 0161 603 4350
   **Email:** cpru@salford.gov.uk
6. Strategic Director of Environment and Community Safety
   Environmental Protection Service
   Salford City Council
   Turnpike House
   631 Eccles New Road
   Salford
   M50 1SW
   Tel: 0161 925 1097
   Email: environment@salford.gov.uk

7. Strategic Director of Environment and Community Safety
   Trading Standards Service
   Salford City Council
   Turnpike House
   631 Eccles New Road
   Salford
   M50 1SW
   Tel: 0161 925 1346
   Email: trading.standards@salford.gov.uk

8. Strategic Director of Environment and Community Safety
   Environmental Health Service
   Salford City Council
   Turnpike House
   631 Eccles New Road
   Salford
   M50 1SW
   Tel: 0161 737 0551
   Email: environment@salford.gov.uk

9. Director of Public Health
   Public Health Department
   Unity House
   Chorley Road
   Swinton
   M27 2AW
   Tel: 0161 793 3524
   Email: melanie.sirotkin@salford.gov.uk
       liz.warwick@salford.nhs.uk
       david.herne@salford.gov.uk