



**TAMESIDE
METROPOLITAN
BOROUGH COUNCIL**

**Statement of Licensing Policy
2022 - 2027**

**Foreword from Cllr Allison Gwynne, Executive Member for Neighbourhoods,
Community Safety and Environment**



This is the Council's fifth statement of licensing policy and covers the period from March 2022 to March 2027. It provides an opportunity to develop the Council's approach to administering the Licensing Act 2003, taking into account other related policies and strategies.

The policy reflects the increasingly innovative approach taken by Tameside Council in addressing issues related to licensable activities and in particular the sale, supply and consumption of alcohol.

The council recognises that Tameside is nationally ranked very highly as an area which suffers from alcohol related harm, especially health-related harms and crime & disorder. This policy reflects the work already being carried out by the council in building partnerships with other agencies and working collectively to tackle alcohol-related harms.

It also demonstrates that the council is willing to work creatively and innovatively by making full use of all available powers and legislation in its approach to administering licences and licensed premises within the borough.

In addition, the policy is also designed to encourage operators and licence holders to remain compliant and to run businesses which make a positive contribution to the local area and towards improving the lives of Tameside residents.

This statement of licensing policy not only outlines how the Licensing Authority will act to promote the four current licensing objectives, but it also demonstrates how it will promote the protection and improvement of public health across the borough, as well as supporting Tameside Council's vision:

To maximise the wellbeing of the people of the borough by:

- Supporting economic growth and opportunity
 - Increasing self-sufficiency and resilience of individuals and families
 - Protecting the most vulnerable.
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Background to this Statement of Licensing Policy

- 1.1 Section 5 of the Licensing Act 2003 requires each licensing authority to publish a statement of its licensing policy at least every five years. It is designed to set out the council's ambitions, strategies and policies relating to licensing for the next five years.
- 1.2 The previous statement of licensing policy set out the procedures in which the council would consider applications for licences. This new statement of licensing policy also covers applications for licences, but in addition, sets out the council's requirements and expectations for existing licence holders and licensed businesses and the actions it expects such businesses to take in order to promote the licensing objectives. It also sets out the council's approaches to ensuring such businesses remain compliant with their licences and the action it will take – in partnership with other organisations and responsible authorities – when licensing and other legislation is breached.
- 1.3 The policy also recognises that public health – and the effect of alcohol consumption on public health – is of serious concern and that Tameside is ranked very highly, both regionally and nationally, in terms of alcohol-related health harms. Although public health is not currently a licensing objective, the policy recognises the recent introduction of public health bodies as a responsible authority, and outlines the positive steps it expects the holders of premises licences to undertake in order to promote public health.

1.4 Licensable Activities

For the purpose of the 2003 Act, and therefore for the purposes of this statement of licensing policy, the following are licensable activities:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

1.5 Authorisations or permissions

The 2003 Act provides for four different types of authorisation or permission, to which this statement of licensing policy also relates, as follows:

- 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; and
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- Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

1.7 Licensing Objectives

In exercising its functions, the licensing authority will have regard to the licensing objectives as set out in section 4 of the Act, and will carry out its functions under the Act with a view to promoting these objectives. The licensing objectives are:

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

- 1.8 In addition to these four existing licensing objectives, the licensing authority also expects holders of premises licences or other permissions which allow the sale or supply of alcohol for consumption on or off the premises to carry out their activities with a view to promoting:

The Protection and Improvement of Public Health

1.9 Home Office Guidance

The statement of licensing policy takes into account guidelines issued under section 182 of the Licensing Act 2003.

1.10 Corporate Objectives

The statement of licensing policy is designed to support Tameside Council's vision, as described in the corporate plan:

To maximise the wellbeing of the people of the borough by:

- ***Supporting economic growth and opportunity***
- ***Increasing self-sufficiency and resilience of individuals and families***
- ***Protecting the most vulnerable.***

1.11 Functions within the Council

The Council has a number of different functions under the Act, including acting as both the Licensing Authority and as a number of different responsible bodies. For this reason, the Licensing Policy refers to the Council as the Licensing Authority and individual responsible bodies by their departmental names, notwithstanding they are also part of the same Council.

- 1.12 A summary of the scheme of delegation is attached at **Appendix 1**.
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1.13 **Limitations of the Statement of Licensing Policy**

This statement of policy does not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.

1.14 In addition, the statement of policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.

1.15 The council is clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from a licensed premise 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 town centres.

1.16 **Conditions**

The council accepts that licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

1.17 **Planning etc.**

Planning permission, building control approval and licensing regimes are properly separated to avoid duplication and inefficiency. Planning and licensing regimes involve consideration of different (albeit related) matters. The council's Speaker's panel (Liquor Licensing) is not bound by decisions made by the Speaker's panel (Planning), and vice versa.

1.18 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant or licence holder must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. The council's planning function is, however, a responsible authority under the Licensing Act and by working in partnership with officers from the Licensing Department, the council will aim to ensure that the planning and licensing regimes avoid any possible conflict between the two regulatory regimes.

1.19 **Promotion of Equality**

It is recognised that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.

1.20 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

1.21 In order to ensure compliance with this legislation, an equality impact assessment will be conducted.

1.22 **Partnership Working**

The Council is keen to work closely with existing partner agencies and to build working relationships with new partners with a view to promoting the licensing objectives.

1.23 Regular meetings are held with partners to ensure that any problem premises or other emerging issues are identified early and to enable strategies to be implemented quickly to prevent issues from developing.

1.24 **Enforcement & Compliance**

The Council is working closely with all 9 other Greater Manchester authorities to develop a joint enforcement and compliance guide. This guide will outline all available enforcement and compliance options available to local authorities and will ensure a consistent approach to these issues across Greater Manchester.

1.25 As such, this statement of licensing policy does not outline in detail the council's approach to enforcement and compliance issues. When the joint guide is complete, it will be included as an appendix to this policy.

1.26 **Late Night Levy / Early Morning Restriction Orders**

In April 2012, the Licensing Act 2003 was amended by the Police reform and Social Responsibility Act 2011. There were a number of changes included in the amendments, including the opportunity for Local Authorities to introduce Early Morning Restriction Orders (EMROs) and a Late Night Levy.

1.27 Both of these options were considered by the council and although it was felt that an EMROs were not currently suitable for Tameside, the Council took the decision to consult on the question of introducing a Late Night Levy.

1.28 The Levy is a financial contribution towards policing the night-time economy from those alcohol licensed premises which are licensed until the early hours of the morning. The amount paid depends on the rateable value of the premise. Those paying the lowest level of business rates would pay £299 per year, whereas the largest businesses would pay around £1500 per year.

1.29 Following a full public consultation, the question as to whether the Council should introduce a levy was put to the full Council on 16 September 2014. The decision of the Council was that it would not introduce a Late Night Levy in Tameside at that time, but the Council did resolve that:

“The Council would introduce a late night levy if the legislation allowed us to confine it to town centres rather than having to have a blanket policy across the whole borough”

1.30 **Alcohol Delivery Services**

There are considerable risks associated with the provision of “to the door” alcohol delivery services and these types of businesses are particularly difficult to regulate.

- 1.31 The Licensing Authority recognises that alcohol can be delivered safely and appropriately to households as part of a wider grocery delivery or similar service. Equally, however, the Authority also recognises that businesses which operate solely with the intention of delivering alcohol to home addresses, often at unsocial hours or at times when other alcohol retail outlets are closed, bring with them a significant risk of undermining the licensing objectives.
- 1.32 As such, any applications for premises licences which would allow the home delivery of alcohol will be scrutinised very closely by the licensing authority and must contain sufficient measures within the operating schedule to satisfy the authority that the business will operate fully within the conditions of their licence, and in a way which promotes the licensing objectives.
- 1.33 In particular, the policy of the council will be to refuse any applications for “alcohol only” delivery services (and services whereby a limited supply of other goods is available alongside alcohol). Such businesses are extremely difficult to regulate and the authority takes the view that – unless the applicant can demonstrate to a very high degree that their business will actively promote the licensing objectives – the general policy will be to refuse such applications.
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Prevention of Crime & Disorder

2.1 Introduction & Partnership Working

The licensing authority looks to the police as the main source of advice on crime and disorder, but where appropriate, we will also seek to involve the local Community Safety Partnership (CSP). Tameside Licensing Department has built close links with Greater Manchester Police and other partner organisations such as HMRC and the Home Office Immigration Authority. We will continue to build on these existing partnerships, and to forge new partnerships in order to ensure that all available compliance and enforcement powers are used where appropriate, and to ensure that all relevant information from partner organisations and responsible authorities are taken into account when making licensing decisions.

2.2 The Security Industry Authority

In the exercise of its functions, the licensing authority seeks to co-operate with the Security Industry Authority (“SIA”) as far as possible and will consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions

Conditions will be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that crime or disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 When addressing crime and disorder, an applicant for a premise licence should initially 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 these identified issues, should be included within the applicant’s Operating Schedule, and will be translated into appropriate, enforceable conditions by the licensing officer.

2.5 A comprehensive list of potential conditions is attached at **Appendix 2**.

2.6 **CCTV**

In partnership with Greater Manchester Police, Tameside Council has developed a comprehensive and detailed CCTV condition which will ensure, where appropriate, that any CCTV system installed at a licensed premise will provide sufficient coverage and provide images of a suitable quality. The condition also ensures that footage is stored for an appropriate time period, that the CCTV system is regularly tested and that footage can be provided – immediately if necessary – to police and other responsible authorities on request. This CCTV condition can be viewed at **Appendix 2** on page 30.

2.7 Although it is not the policy of the Council to impose blanket conditions on all licensed premises, the benefits of good CCTV systems in licensed premises are clear and such systems have proved invaluable in both preventing crime and disorder, and in helping to detect crimes, ranging from minor shoplifting through to murder. All applicants for new premises licences to allow the sale or supply of alcohol by retail for consumption on or off the premises are therefore encouraged to consider installing a CCTV system and where appropriate, such applicants will be encouraged to add the Council's CCTV condition to their licence.

2.8 In addition, where incidents of crime and/or disorder have occurred at licensed premises, the Licensing Department, together with Greater Manchester Police and other partners, may request a premises licence holder to amend their premises licence by way of a minor variation to add the CCTV condition if it is felt it is appropriate. The use of minor variation as an alternative to a review of a premises licence will be offered in some circumstances where officers from responsible authorities have sufficient evidence to apply for a review of the premises licence, but the premises licence holder is willing to negotiate an appropriate outcome such as the addition of conditions to the licence, reduction of licensed hours etc.

2.9 **Door Supervision**

Conditions relating to the provision of door supervisors and security teams are valuable in town centre locations and premises operating after 9.00pm in:

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

2.10 Where door supervisors conducting security activities are to be a condition of a licence, conditions may also need to deal with the number of such supervisors, the displaying

of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

2.11 Glass Control

Glass can be a major factor in disturbances around licensed premises and the Council may impose special conditions on certain types of venue in relation to glass control both within the premises, at disposal points and through unauthorised removal of glass from the premises.

2.12 In particular, the Authority may consider it appropriate to ensure licensed premises have regular glass collection services in certain types of venue and keep control of waste bottles & glasses.

2.13 It should be noted that the use of plastic, polycarbonate or paper drinks containers and toughened glass may also be relevant as measures appropriate to promote the reduction of crime and disorder and public safety.

2.14 Pubwatch

Tameside Council recognises that voluntary schemes can be an effective alternative method of reducing crime and disorder and improving the collective licensed trade within particular localities.

2.15 Pubwatch schemes have been introduced in several Tameside towns and they continue to grow in popularity and attendance. The licensed trade in Droylsden in particular have developed an extremely well-attended and effective Pubwatch scheme which has helped to dramatically reduce crime and disorder, helped to effectively tackle organised crime groups and drug dealing and generally improve the image of the licensed trade within Droylsden.

2.16 The Council will continue to actively encourage holders of premises licences and designated premises supervisors to attend their local Pubwatch groups, and to set up such groups where they do not currently exist. Members are encouraged to take a “barred from one, barred from all” approach in dealing with disruptive customers. Pubwatch members will also be encouraged to subscribe to the Pubwatch online service which allows members to share photographs and information about barred members whilst remaining compliant with data protection legislation.

2.17 Drugs

All Licensed premises within Tameside are expected to adopt a “zero tolerance” policy in respect of the sale, supply and use of illegal drugs. Operators of premises which are licensed to sell or supply alcohol for consumption on the premise are expected to be aware of any drug activity which may be taking place within their premises and to take appropriate action to stop such activity, and prevent it from taking place.

- 2.18 Steps which licensees are expected to take include regular checks of the toilet areas, monitoring of suspicious behaviour and the display signage which makes clear that drug use will not be tolerated within the premises.
- 2.19 Operators of premises which are licensed to sell or supply alcohol for consumption off the premises must also adopt a zero tolerance approach towards the sale, supply and use of illegal drugs. In particular, the Council does not expect any licensed premises to sell, supply or advertise any drug-related paraphernalia such as bong pipes, grinders and small plastic “snap” bags commonly used for the supply of drugs.
- 2.20 Premises licence holders, designated premises supervisors and any other staff employed at licensed premises within Tameside are expected to report any instances of drug supply or use within or in the vicinity of their premise to the police or the local authority as soon as practicable.
- 2.21 **New Psychoactive Substances (Legal Highs)**
- 2.22 The Council’s policy is that no licensed premises will be allowed to sell, supply, advertise or keep as stock any type of “new psychoactive substances” (NPS) commonly known as “legal highs”. This includes any substance which mimics the effects of illegal drugs, irrespective of whether the substance is labelled as “not for human consumption” and also includes nitrous oxide in any form
- 2.3 In addition, any other substance, item or other thing which may, from time-to-time be identified as having an intoxicating effect by the police or local authority must not be sold, supplied, advertised or kept in stock at any licensed premise. Where appropriate, conditions in respect of NPS will be attached to premises licences.
- 2.24 **Supply of Illegal, Illicit, Smuggled or Counterfeit Alcohol**
- The supply of illegal, illicit, smuggled and counterfeit alcohol puts the public at risk of serious harm and is linked to serious and organised criminal gangs. The Council expects the holders of premises licences which permit the sale and supply of alcohol by retail to have strong policies and procedures in place to prevent such activity.
- 2.25 In particular, premises licence holders, designated premises supervisors and anyone else employed at licensed premises must ensure that alcohol sold or supplied to the public has only been obtained from legitimate sources.
- 2.26 As a minimum, the council expects such stock to only be purchased from legitimate and recognised suppliers, and for premises to keep a record of where they have obtained the stock and to retain all receipts for such stock and produce them for inspection by any responsible authority on request.
- 2.27 Stock must not be purchased from any unidentified individuals travelling from premise-to-premise selling alcohol from a vehicle.
- 2.28 Where appropriate, conditions in respect of such activity will be attached to premises licences.
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2.29 **Employment of illegal immigrants**

The Council expects holders of premises licences, designated premises supervisors and anyone else associated with the management of licensed premises to have sufficient policies and procedures in place to ensure that no person who is unlawfully in the UK, or who cannot lawfully be employed as a result of a condition on their leave to enter, is employed at a licensed premise.

- 2.30 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.
- 2.31 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.
- 2.32 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:
- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
 - Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
 - Immigration offences, including civil penalties, are ‘relevant offences’ as defined by the 2003 Act;
 - The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
 - Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- 2.33 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.
- 2.34 The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Greater Manchester Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late-night refreshment.
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Public Safety

3.1 Fire Safety

Fire precautions and means of escape from licensed premises are particularly important. Large numbers of people, some of whom may be under the influence of alcohol, must be safely contained, managed and, if necessary, evacuated from premises. The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform Fire Safety Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks.

3.2 Consideration should be given to conditions which deal with Living accommodation attached to or accessed via Licensed Premises, such as:

- ensuring that sufficient fire safety arrangements are in place to detect and warn occupants and all other relevant persons
- ensuring adequate fire separation and means of escape is provided between the mixed use premises.

3.3 Risk Assessments

When addressing public safety, an applicant or licence holder should initially 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 safety objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.

3.4 It is also recognised that special issues may arise in connection with outdoor and large scale events. Risk assessment must be used to assess whether any measures are necessary in the individual circumstances of any premises.

3.5 Disability

Consideration should be given to conditions that ensure that:

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

3.6 Special Effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or

mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flames;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products), and;
- explosives and highly flammable substances.

3.7 It may be appropriate to require that certain special effects are only used with the prior notification of the licensing authority or the fire authority.

3.8 **Transport**

Consideration should be given to conditions that deal with:

- the adequacy of transportation arrangements to ensure customers are able to travel safely to and from the premises (including procedures for preventing people from consuming excess alcohol and driving);
- ensuring that any arrangements or advertising of taxis and private hire vehicles only relate to such vehicles licensed by the Authority;

3.9 **Hypnotism**

If an applicant or licence holder wishes to host any performance of stage hypnotism at any time this should be detailed in the Operating Schedule. In the event of any performance of stage hypnotism the council will normally require written request for consent in accordance with section 1 of the Hypnotism Act 1952. Where consent is given for this type of entertainment the council will impose specific licence conditions.

The Prevention of Public Nuisance

4.1 Introduction

The Licensing Act 2003 covers a wide variety of premises which require licences, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is important that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants and neighbours against these risks as far as is practicable.

- 4.2 When addressing public nuisance an applicant should initially 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. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.
 - 4.3 If relevant representations are received, the Authority may impose conditions to prevent nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations and accumulations of rubbish and litter.
 - 4.4 A comprehensive list of potential conditions is attached at **Appendix 2**
 - 4.5 The following options should be considered as measures which, if appropriate, would promote the prevention of public nuisance.
 - 4.6 Noise or vibration should not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
 - 4.7 Prominent, clear and legible notices should be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
 - 4.8 The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted (particularly ensuring that firework parties are not managed by persons consuming alcohol), that adequate safety precautions are in place, that fireworks are not set off between 2300hrs and 0700hrs (except on 31st December/1st January).
 - 4.9 Conditions may include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises.
 - 4.10 The council is particularly keen to encourage responsible business owners to deal with waste and litter effectively and responsibly. In particular, it expects that the responsible
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person ensures that the areas outside of premises are kept clean, tidy and free from litter and the premise provides sufficient litter/cigarette bins.

- 4.11 In addition, holders of premises licences and club premise certificates are expected to fully comply with all legal requirements in relation to the disposal of their trade waste and to ensure they have an appropriate trade waste contract with an approved disposal company.

Protection of Children from Harm

5.1 Introduction

The protection of children from harm is a key licensing objective and one which Tameside Council seeks to promote rigorously. Holders of premises licences, club premises certificates and other permissions under the licensing act are expected to ensure that their activities are always carried out with the intention of protecting children from harm.

5.2 The council particularly expects licensed businesses to work actively to prevent:

- Child sexual exploitation;
- The sale or supply of alcohol to persons under the age of 18;
- The sale or supply of alcohol to adults seeking to purchase on behalf of persons under the age of 18;
- The sale or supply of any other age restricted products to underage persons;
- Access by children to gambling activities;
- Access by children to any entertainment of a sexual nature.

5.3 Child Sexual Exploitation

Child sexual exploitation involves children being groomed and then sexually abused. Tameside Council recognises that child sexual exploitation is a major child protection issue both locally and across the UK.

5.4 The council takes a strict “zero tolerance” approach in respect of child sexual exploitation and expects licensed businesses to do the same. Applicants for premises licences and other permissions are expected to make reference to child sexual exploitation in their operating schedules and to adopt licence conditions protect children from abuse and grooming.

5.5 Measures designed to prevent underage sales and other harmful activities will have the secondary effect of preventing child sexual exploitation by reducing or removing opportunities for abusers to groom children for sexual purposes.

5.6 Underage Sales & Age Verification

The council expects licenced businesses to work rigorously to prevent the sale or supply of alcohol to children. The mandatory licence conditions include a condition which requires all premises which are licensed to sell or supply alcohol to adopt an age verification policy whereby those who appear to be under 18 will be asked to provide photographic i.d. to prove their age before selling or supplying them with alcohol.

5.7 The council requires licensed businesses to go further than the requirements of the mandatory conditions and expects premises which are licensed for the sale or supply

of alcohol to adopt the voluntary “challenge 25” scheme. This scheme requires members of staff who carry out sales of alcohol to request photographic i.d. from anyone who appears to be under the age of 25 years. This does not preclude anyone over the age of 18 from purchasing alcohol, but does provide a much clearer framework for staff members in deciding when to ask for i.d.

5.8 Applicants for premises licences or other permissions to sell or supply alcohol are expected to include the challenge 25 scheme within their operating schedules and it will be included as a condition where appropriate.

5.9 Holders of premises licences and other permissions to sell or supply alcohol and their designated premises supervisors must ensure that all staff employed at their premises receive regular training. Training must include child protection issues and the prevention of underage sales and proxy sales. Where appropriate this policy will be added as a condition to premises licences or other permissions.

5.10 When asking for photographic i.d. the council expects licensed businesses and their staff to only accept the following forms of identification:

- Passport;
- Photocard driving licence, or;
- PASS accreditation system, which aims to approve and accredit various ‘proof of age’ schemes which are in existence

5.11 **Access to Premises by Children**

Under the Licensing Act, a wide variety of licensable activities can take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the council will consider a range of conditions which can be tailored to a particular premises where appropriate. These could include:

- The times during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- Types of event or activity in respect of which no age restrictions may be needed, for example family entertainment or non-alcohol events for young age groups, such as under 18s dances;
- Similarly, types of event or activity, which give rise to a more acute need for age restrictions than normal, for example; during “Happy Hours” or on drinks promotion nights.

5.12 **Display of Films etc.**

In the case of premises giving film exhibitions, the licensing authority expects the holders of premises licences or other permissions to include in their operating schedules arrangements for restricting children from viewing age-restricted films.

The Protection and Improvement of Public Health

6.1 Introduction

Tameside Council recognises that the instances of alcohol-related health harms across the borough are disproportionately high and that Tameside ranks very highly both regionally and nationally in respect of alcohol-related health harms.

6.2 Since the adoption of the previous statement of licensing policy, the Police Reform and Social responsibility Act 2011 amended the Licensing Act by adding local directors of public health to the list of responsible authorities, meaning that local public health bodies are now consulted in respect of every licensing application processed by the local authority.

6.3 Although the Government did not go as far as introducing a 5th licensing objective of “promoting public health”, the introduction of public health as a responsible authority went some way towards starting to reduce alcohol-related health harms through use of licensing legislation.

6.4 Promotion of Public health

In view of the extremely high levels of alcohol-related health harms across the borough, Tameside Council expects applicants for premises licences (and other permissions which allow the sale or supply of alcohol) to include statements in their operating schedules as to how they will actively promote the protection and improvement of public health.

6.5 Current holders of premises licences and other permissions which allow the sale or supply of alcohol are also expected to promote the protection and improvement of public health.

6.6 Possible Measures

Some of the possible measures which licensed businesses should consider are listed below:

6.7 Reducing the Strength or Responsible Retailing of High Strength Products

The council recognises the significant harm caused by the sale of very cheap, very strong alcoholic drinks – specifically high strength lagers and ciders with an abv (alcohol by volume) over 6.5%.

6.8 Holders of premises licences and other permissions which allow the sale or supply of alcohol are asked to consider implementing the principles of the “reduce the strength” campaign by removing from sale lagers and ciders with an abv of 6.5% and above, and stopping selling these products.

6.9 Where licence holders choose to continue selling such products, the council encourages them to take a responsible approach to how these items are displayed and

sold. For example, they should consider reducing the size of their display for these items and possibly place them out of reach to the general public, so that they can only be purchased by asking a member of staff.

6.10 Intervention and Brief Advice

Applicants and Licensed businesses should consider obtaining training for their staff in “intervention and brief advice”. This training – usually available free of charge from local public health bodies – teaches staff members how to recognise when people may have a drinking problem, and how to give them brief advice.

6.11 Voluntary Self Exclusion

Where a voluntary self-exclusion scheme is in operation, licensed businesses are encouraged to participate in accordance with any advice or instructions given to them by the local authority or police.

Cumulative Impact

7.1 Introduction

Cumulative impact is a term used to describe the potential impact on the promotion of the licensing objectives where there are significant numbers of licensed premises concentrated in one area.

7.2 Licensing Authorities can adopt special policies in relation to cumulative impact where evidence is produced by one or more responsible authorities that the impact of a number of licensed premises in a specific geographical area is having an adverse effect on the promotion of the licensing objectives.

7.3 The effect of a special policy is to reverse the rebuttable presumption that the licensing authority will grant a premises licence or other permission for the sale or supply of alcohol. If a responsible authority submits a representation in which they provide evidence that the granting of a licence or permission (or an application to vary a licence or permission to allow longer hours for the sale/supply of alcohol) is likely to add to the existing cumulative impact of licensed premises, then the Licensing Authority will refuse that application unless the applicant can demonstrate that they will not add to the cumulative impact.

7.4 In simple terms, applicants must submit applications to a very high standard with sufficient measures in place to demonstrate that their premise will not add to the existing problems in that area.

7.5 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.(The Secretary of State's Guidance – April 2018)

Delegation of Functions		
Application	Speakers Panel (Liquor Licensing) Sub-Committee	Officers
Application for personal licence	If objection notice submitted	If no objection notice submitted
Application for personal licence with relevant unspent convictions	All cases	
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If police objection submitted	If no police objection submitted
Application for new premises licence or club premises certificate	If relevant representation(s) submitted	If no relevant representations submitted
Application for a provisional statement	If relevant representation(s) submitted	If no relevant representations submitted
Application for a full variation of a premises licence or club premises certificate	If relevant representation(s) submitted	If no relevant representations submitted
Application to change a designated premises supervisor	If police objection submitted	If no police objection submitted
Application for an interim authority notice	If police objection submitted	If no police objection submitted
Application for a review of a premises licence or club premises certificate	All cases	
Decisions on the relevance and validity of representations or applications for review		All cases
Determination of a representation in relation to a standard temporary event notice	All cases	
Determination of a representation in relation to a late temporary event notice		All cases

Application for a minor variation of a premises licence or club premises certificate		All cases
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List of Potential Conditions to be Considered by Applicants for Premises Licences and Other Permissions Associated With the Licensing Act 2003

1. Crime & Disorder

1. CCTV

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights act.

2. Door Staff

A minimum of 2 SIA registered door supervisors shall be employed at the premises on Friday and Saturday nights and also New Years Eve from 9.00 pm until 20 minutes after the premises closes. Door supervisors will wear high visibility armbands.

3. Door Staff Policy

The management shall produce and implement a Door Supervisor Policy which includes details of disciplinary procedures, and the management's expectations as to the behaviour and professionalism of the door staff. This policy will be submitted to GMP and the Licensing Manager on first implementation and following any subsequent changes to the policy.

4. Door Staff Log

A Door Supervisor Log shall be correctly maintained at the premises. This will include the following details:

- (i) The door staff names, dates of birth and home addresses;
- (ii) Full details, name, address and contact number of employment agency used

And for each individual period of trading:

- (iii) The name of the individual member of door staff
- (iv) His/Her Security Industry Authority licence number
- (v) The time and date He/She starts and finishes duty
- (vi) The time of any breaks taken whilst on duty
- (vii) Each entry shall be signed by the door supervisor, DPS or nominated person

5. Incident Book

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises
- (ii) Any incident involving controlled drugs (supply/possession/influence) on the premises
- (iii) Any other crime or criminal activity on the premises
- (iv) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
- (v) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (vi) Any call for police assistance to the premises
- (vii) Any ejection from the premises
- (viii) Any first aid/other care given to a customer

6. Drug Policy

The management of the premises must introduce a strict "zero tolerance" policy in respect of the use and/or supply of illegal drugs on the premises. The policy to include checks of the toilet areas every half-hour whilst the premises are open and suitable signage to be placed in prominent areas within the premises.

7. Use of Polycarbonate Glassware

All glassware used in the premises must be of Polycarbonate type. Any drinks served in bottles must be in plastic bottles only. All drinks from glass bottles to be decanted into polycarbonate containers.

8. Nitenet Radio

Where available, the premises must subscribe to the Nitenet Radio Service.

9. Last Entry to Premise

There shall be no new entries to the premises by members of the public between 3am and 11am daily.

10. Legal Highs

The premise must not sell, supply, advertise or keep as stock any type of “new psychoactive substances” (NPS) commonly known as “legal highs”. This includes any substance which mimics the effects of illegal drugs, irrespective of whether the substance is labelled as “not for human consumption” and also includes nitrous oxide in any form.

In addition, any other substance, item or other thing which may, from time-to-time be identified as having an intoxicating effect by the police or local authority must not be sold, supplied, advertised or kept in stock.

11. Paraphernalia

The premise must not sell, supply, advertise or keep as stock any drug or NPS paraphernalia, including grinders, bong pipes, pipes, or any other item which is designed to assist with the use, consumption or production of illegal drugs or NPS.

2. Public Safety

1. Occupancy Limit

The total occupancy of the premises must not exceed *** persons, including staff.

2. Event Management Plan

An Event Management Plan must be produced and forwarded to the Licensing Office for circulation to the responsible authorities a minimum of 21 days before the date of the activity.

3. Use of Polycarbonate Glassware

All glassware used in the premises must be of Polycarbonate type. Any drinks served in bottles must be in plastic bottles only. All drinks from glass bottles to be decanted into polycarbonate containers.

4. Glass Collection

In order to minimise the risk of persons becoming injured by broken glass, the designated premises supervisor must ensure that empty glasses, bottles and other containers are collected and disposed of regularly and at least every half-hour whilst the premise is open.

3. Prevention of Public Nuisance

1. Noise Limiter

A noise limiting device must be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device must be set and maintained at a level to be agreed with Tameside MBC.

2. Doors & Windows

To prevent noise nuisance, all windows and doors at the premise must be kept closed at any time when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is being performed at the premise, except to allow people to enter or exit.

3. Entertainment to be Inaudible

Noise generated by regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) must be inaudible at the nearest noise sensitive location.

4. Perimeter Inspections

The Designated Premises Supervisor must ensure that perimeter inspections are undertaken every hour when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is taking place. These inspections must be recorded in a book which must be made available for inspection to Local Authority Officers and Greater Manchester Police on request.

5. Notices to Customers

Notices requesting customers to leave quietly must be displayed in a prominent position next to each entrance/exit. The Designated Premises Supervisor must ensure that customers are encouraged to keep noise to a minimum when leaving the premise.

6. Litter Control

The Designated Premises Supervisor must ensure that a member of staff collects all litter from the curtilage of the premises every day at the conclusion of trading. A written log must be kept of the areas checked and made available to responsible authorities for inspection on request.

7. No Drinks Outside

The Designated Premises Supervisor must ensure that no drinks are taken or consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.

4. Protection of Children from Harm

1. Challenge 25

The premises must operate a “Challenge 25” scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

2. Refusals Book

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of i.d. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

3. List of Agreed Products

A list of all items not to be offered for sale will be agreed with the Premises Licence Holder and the responsible authorities, including Trading Standards, and Greater Manchester Police. This list can be subject to further amendment and agreement between the parties. Once the list is agreed, items on the list must not be sold or supplied by the premises.

4. Proxy Notices

The premise must display, in a prominent position, a notice or notices explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

5. Door Age Policy

No persons under the age of 18/21/25 to be allowed entry to the premises at any time when it is open and operating/after **: **hrs.

5. All 4 Licensing Objectives

1. Staff Training

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

2. Personal Licence Holder to be on Premise at All Times

A Personal Licence Holder must be present at the premises at all times licensable activities, live music (amplified or unamplified), recorded music or any other types of entertainment (amplified or unamplified) are taking place.

3. List of Authorised Persons

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

4. Pubwatch

Where such a scheme is in operation, the Designated Premises Supervisor must be an active member of a local Pubwatch scheme or equivalent.

5. Purchasing policy

A purchasing of alcohol and tobacco policy must be implemented at the premises by the designated premises supervisor.

6. Purchasing records to be kept.

All purchases of alcohol and tobacco products must be made from reputable wholesalers and all purchases must be recorded. These records must be made available on request to the police or authorised officer

7. Restaurant Condition

The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

The sale of alcohol shall only be by waiter service to seated customers, and there shall be no sales of alcohol at the bar

List of Responsible Authorities

Tameside Metropolitan Borough Council
Licensing Department
Tame Street Depot
Stalybridge
SK15 1ST

 licensing@tameside.gov.uk

Chief Superintendent
Greater Manchester Police
Licensing - 2nd Floor, Police Station
Manchester Road
Ashton -under-Lyne
OL7 0BQ

 g.licensing@gmp.police.uk

Tameside Metropolitan Borough Council
Trading Standards
Tame Street Depot
Tame Street
Stalybridge
SK15 1ST

 publicprotection-es@tameside.gov.uk

Tameside Metropolitan Borough Council
Environmental Protection
Tame Street Depot
Tame Street
Stalybridge
SK15 1ST

 publicprotection-es@tameside.gov.uk

Tameside Metropolitan Borough Council
Head of Planning
PO Box 304
Ashton-under-Lyne
OL6 0GA

 planningmail@tameside.gov.uk

Tameside Metropolitan Borough Council
Social Services
Conference and Review Section
Union Street
Hyde
SK14 1ND

 Conference&Review@tameside.gov.uk

Public Health
Level 3
Tameside One
Market Place
Ashton-under-Lyne
OL6 6BH

 publichealth.enquiries@tameside.gov.uk

Watch Commander Fire Protection
Tameside Borough HQ
Hyde Fire Station
Railway Street
Hyde
SK14 1DF

 FireSafetyStockportTameside@manchesterfire.gov.uk
