



CHESHIRE EAST COUNCIL
STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)
POLICY DATED 2024 TO 2029

Contents

1. Introduction
2. The aim of the Policy and Statutory Licensing Objectives
3. Matters within the control of the Licence Holder
4. Planning and need for Licensed Premises
5. Integrating Strategies
6. Anti-Social Behaviour
7. Prevention of Crime and Disorder
8. Public Safety
9. Prevention of Public Nuisance
10. Protection of Children from Harm
11. Cumulative Impact
12. Applications for New Grants and Variation of Existing Terms and Conditions
13. Temporary Events
14. Operating Schedule
15. Hours of Operation
16. Conditions
17. Enforcement and Review
18. Early Morning Alcohol Restriction Orders (EMRO's)
19. Late Night Levy
20. The Licensing Process
21. Delegation and Decision Making
22. Exclusions
23. Consultation
24. Changes to Legislation

Appendix 1 – Table of Delegations of Licensing Functions

Appendix 2 – Procedure at Hearings

Appendix 3 – Mandatory Conditions

Appendix 4 – Non-regulated entertainment matrix

Appendix 5 – Sample conditions

Appendix 6 – Suggested hours matrix

Annex 1 – Noise Control Guidance for Large Outdoor Events

(Annex 1 does not form part of the Statement of Licensing Policy and is a standalone guidance document prepared for the benefit of applicants. As such any changes made will not form a review of the Statement of Licensing Policy and will not be subject to statutory consultation)

1. Introduction

- 1.1 Cheshire East Council (**the Council**) is the Licensing Authority for the area of Cheshire East under the provisions of the Licensing Act 2003 (**the Act**).
- 1.2 This Statement of Licensing Policy (**the Policy**) is the result of the review and is published by the Council in accordance with section 5 of the Act. The Policy provides information and guidance to applicants and persons who are likely to be affected by an application (e.g residents and businesses) and Responsible Authorities or anyone interested in these matters. It will clarify the manner in which the Council will approach matters relating to licensing. Whilst the policy provides framework guidance regarding the considerations it will take into account when determining any licence application, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.
- 1.3 Cheshire East's Corporate Plan¹ sets out a number of aims, which will be reflected throughout this policy:



- 1.4 The context of the Policy includes the Council's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East and it is noted that it is a priority of the local Health and Wellbeing Board to reduce alcohol related harm.
- 1.5 The context of the Policy includes the Council's statutory duty under the Crime and Disorder Act 1998 to have regard to the need to do all that it reasonably can to prevent crime and disorder, misuse of drugs and alcohol and reoffending in its area.

¹ [Corporate Plan \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

1.6 The Policy takes into account the guidance issued under section 182 of the Act. The latest guidance was published by the Home Office in December 2023².

1.7 In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of Licensable Activities and qualifying Licensable Activities in accordance with Section 1 and Schedules 1 and 2 of the Act. The following is a summary of what comprises 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:
 - performance of a play
 - exhibition of a film
 - indoor sporting event
 - boxing or wrestling entertainment
 - performance of live music
 - playing of recorded music
 - performance of dance
 - entertainment of a similar description to the above

There are certain exemptions to this definition, which relate to incidental live and recorded music, and spontaneous music, singing and dancing, which are set out in full in the Act. A summary of what entertainment is and is not licensable is set out at Appendix 4.

- The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours). The Licensing Authority has not designated any area within the Borough as exempt (under schedule 2 of the deregulation act 2015) from the requirement for licensing of the provision for late night refreshment.

² [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/section-182-guidance)

1.8 In formulating the Policy, the Licensing Authority has consulted all Responsible Authorities, holders of licences under the Act and the public within Cheshire East.

1.9 This policy will be for a 5-year period and a review will take place in accordance with statutory procedures and will take into account relevant information received by way of consultation or otherwise.

2. The Aim of the Policy and Statutory Licensing Objectives

2.1 The aim of the Policy is to secure the safety and amenity of communities within the Cheshire East area, whilst facilitating a sustainable entertainment and hospitality sector. The Council recognises the need of residents for a safe and desirable environment in which to work and live and the importance of well-run licensed premises in a vibrant and diverse local economy. The Council will promote the safety of residents and visitors whilst out at night and on their journey home.

2.2 In accordance with the guidance issued by the Secretary of State, the Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefits of our communities. A natural concern to prevent disturbance in the neighbourhood will always be balanced with the wider cultural benefits of our communities.

2.4 The Council has a duty to protect the amenity of its residents. This extends to the business community, who can expect the Council to ensure that the environment is attractive and sustainable for the conduct of their business.

2.5 It is the Council's duty to exercise its licensing functions with a view to promoting the four Licensing Objectives set out in section 4 of the Act:

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

2.6 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

2.7 The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them

2.8 The Licensing Authority will have proper regard to amongst other issues:

- Location and environmental impact of the proposed activity
- Suitability of the applicant
- Suitability of the premises to the application
- Operation and management of the premises
- Monitoring, review and enforcement

Policy Considerations

2.9 This policy does not prejudice the requirement for the Licensing Authority to consider each application on its own merits.

2.10 Nothing in the policy will

- Undermine the rights of any individual to apply under the terms of the Act for a variety of permissions and have the application considered on its individual merits; or
- Override the right of a person or a body or a Responsible Authority (as defined in the Act) to make representations on an application or to seek a review of a licence or certificate in accordance with the provisions of the Act.

- 2.11 All persons have equal rights to make representations concerning applications for premises licenses (and hours of trading) and to receive appropriate consideration to their representations. Irrelevant, frivolous and vexatious representations will be disregarded.
- 2.12 Following Relevant Representations the Licensing Authority will only depart from this Policy where there is satisfactory evidence/information that the Licensing Objectives will be met in full. In cases where a departure occurs, the Licensing Authority shall provide reasons for the departure in the decision notice issued following a determination.
- 2.13 If an application for a licence or certificate has been made lawfully and there have been no Relevant Representations from Responsible Authorities or other persons, the Licensing Authority will grant the application, subject only to conditions consistent with the operating schedule and any relevant mandatory conditions.
- 2.14 To achieve our aims the Council is committed to working in partnership with the Responsible Authorities, local businesses, residents and others towards ensuring the continued success of this Policy in achieving the statutory objectives of the Act. In considering these issues the Council will focus on the four statutory Licensing Objectives.

3. Matters within the Control of the Premises Licence Holder

- 3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises, and therefore away from the direct control of the premises licence holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus on matters which are within the control of the individual licence holder and others who are granted relevant permissions. Nevertheless, licence holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, e.g. on the pavement, in a beer garden or in a smoking shelter, where and to the extent these matters are within their control.
- 3.2 The Licensing Authority will expect applicants to consider and make appropriate provisions to ensure that harm is not caused to the Licensing Objectives as a result of activity in, or in the vicinity of, the licensed premises.
- 3.3 It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisor and door supervisors are competent and appropriately trained.

4. Planning and need for Licensed Premises

- 4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.
- 4.2 The Planning Regulation and Licensing Regulation functions are separate statutory regimes. The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. The Licensing Authority when exercising its licensing functions will not consider whether there has been any alleged breach of planning conditions. Planning Permission will usually be required prior to the use of premises for Licensable Activities.
- 4.3 The Licensing Authority is not bound by decisions made by the Planning Authority and vice versa.
- 4.4 There may be 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 licensed hours, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 4.5 It should be noted that Building Regulations govern a variety of issues, which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities.

5. Integrating Strategies

- 5.1 The Licensing Authority will consider the Council's approved strategies and policies where they are relevant to the exercise of its function as the Licensing Authority.
- 5.2 The Council recognises that Licensed Premises are an important contributor to the local economy. Any licence application will be considered by taking certain factors into account. These include:
- Employment opportunities
 - The enhancement the proposal might have on the attractiveness of the wider area
 - The general impact in attracting visitors to the area
- 5.3 In undertaking its statutory licensing function the Licensing Authority may have regard to:

- Section 17 of the Crime and Disorder Act 1998 and requirement that the Council do all that it reasonably can to prevent crime and disorder in its locality
- The European Convention on Human Rights (which is given effect by the Human Rights Act 1998), which places a duty on public authorities to protect the rights of individuals in a variety of circumstances
- Any other relevant legislation drawn to its attention

5.4 The Licensing Authority will seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act.

Integration with Public Health

5.5 The context of the Policy includes the Council's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East and it is noted that it is a priority of the local Health and Wellbeing Board (reflected in the Joint Local Health and Wellbeing Strategy 2023 – 2028) to reduce alcohol related harm. The Board recognises the potential negative impacts of excessive alcohol consumption and the need to work as a system to minimise harms to individuals, communities and businesses.

5.6 Many organisations are working to reduce levels of consumption and promote safe, sensible and social drinking. The Health and Wellbeing Board are working with partners to focus upon activity that will bring positive outcomes to the families, communities and businesses of Cheshire East. Reducing excess alcohol consumption is the overarching aim and the priority outcomes are:

- To reduce alcohol-related health harms
- To reduce alcohol-related hospital admissions
- To reduce alcohol-related crime, anti-social behaviour and domestic abuse
- To support a diverse, vibrant and safe night time economy
- To improve our co-ordination/partnership work to ensure that all the other priorities are achieved efficiently and effectively.

Integration with Safeguarding and Exploitation

5.7 Contextualised safeguarding is a way of understanding how children and young people can be abused and exploited by people in their neighbourhoods

and communities as opposed to this happening within their families. This would include; child exploitation, criminal exploitation and modern day slavery. The Council is mindful of its responsibility in relation to the safety of children and young people who are both living in Cheshire East and those who may be trafficked into Cheshire East as part of their exploitation. The statutory duties and responsibilities to protect children from harm are contained in the Children Act 1989 and the statutory guidance in Working Together to Safeguard Children (2018) and will look to all relevant agencies to promote the licensing objectives by making representations or calling for reviews of licenses where there are concerns around exploitation or contextualised safeguarding. The Council will also take a robust stance when considering appropriate conditions to prevent such activities taking place.

6. Anti-Social Behaviour

- 6.1 The Licensing Authority recognises that in addition to the requirements for it to promote the Licensing Objectives, the Council has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its area.
- 6.2 The objective of the licensing process is to allow the retail sale of alcohol and the provision of other licensable activities in a manner that ensures the public's safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's aim to facilitate well run and managed premises with premises licence holders displaying sensitivity to the impact of their premises on local residents.
- 6.3 In accordance with the Guidance, the Licensing Authority does not regard this policy as a mechanism for the general control of anti-social behaviour by individuals once they have left the immediate vicinity of the licensed premises.
- 6.4 Recurring problems of alcohol-related anti-social behaviour, crime and disorder or serious public nuisance can occur in an area, which are not directly attributable to specific premises. In such cases, particularly if supported by the Police, the Licensing Authority may consider whether an Early Morning Alcohol Restriction Order (EMROs) might address the problems. These Orders are considered later in this Policy.

7. Prevention of Crime and Disorder

- 7.1 The Licensing Authority will have regard to the Crime and Disorder Act 1998 (See Section 6.1 above). Any conditions attached to the premises licence

should reflect any local crime prevention strategy, including the community safety priorities identified by the Safer Cheshire East Partnership³.

7.2 The Licensing Authority will consider whether the premises make or will make a detrimental contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the application.

7.3 In order to meet its duty to prevent and reduce crime this Policy will have regard to the likely impact of licensing on related crime and disorder in the area. The Licensing Authority will consider the location of the premises and the impact, operation and management of the Licensable Activities. In particular these issues may include:

- Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder
- Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder
- Door supervision together with the maintenance of an incident book
- Use of toughened glass or plastic glasses
- Mechanisms for combating drug dealing and use
- Use of CCTV cameras
- Membership of any Pubwatch or similar scheme
- Use of ID scan equipment

7.4 The Licensing Authority may impose conditions on licences or certificates. These may include the following conditions (although the list is not exhaustive). The decision to impose conditions and their extent will depend upon the risks of crime and disorder at the particular premises.

- Appropriate ratio of tables to chairs to customers and for areas to be allocated for seated customers
- A requirement for Security Industry Authority door supervisors to control numbers and to deny entry to individuals who appear drunk, disorderly or intent on crime

³ [Safer Cheshire East Partnership](#)

- A requirement that drinking vessels do not form a sharp edge when broken
- Restrictions on drinking in areas within and outside the premises
- Procedures for checking the ages of young people who appear under the age 25 to ensure alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol-led premises
- Appropriate 'early warning' communication systems with the Police and with other licensed premises
- The installation of CCTV
- Clear policies and measures to prevent illegal drugs being brought onto and used on the premises
- Searching of customers and staff

7.5 The Licensing Authority will carefully consider Police representations and other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise.

Safer Clubbing

7.6 The Licensing Authority wishes to promote the principles of 'Safer Clubbing'. The current Home Office Guidance⁴ on the subject is recommended to relevant Premises Licence and Club Premises Certificate holders. Following relevant representations appropriate licensing conditions may be imposed to control the environment at relevant premises in support of the 'Safer Clubbing' objectives.

Drugs

7.7 Following Relevant Representations, conditions may need to be imposed for certain types of venues to seek to eliminate the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will consider the above-mentioned 'Safer Clubbing' advice issued by the Home Office. In all cases where conditions are to be imposed advice will be sought from the Drug and Alcohol Action Team and the Police.

7.8 The Licensing Authority, Police and Licence Holders need to be aware that power is available under the Anti-Social Behaviour Act 2003 that allows for the closure of a licensed premises by the Police where there is production,

⁴ [Safer Clubbing Guide \(csdp.org\)](http://csdp.org)

supply or use of Class A drugs and/or serious nuisance or crime and disorder. This provides an extra tool to the Police in enabling instant action with regards to premises where there is a Class A drug problem.

- 7.9 The Licensing Authority expects all applicants to consider reasonable and proportionate controls to protect against and disrupt the spiking of drinks. Conditions may be attached to licences to tackle spiking where the Licensing Authority considers it appropriate to promote the Licensing Objectives.

Door Supervisors

- 7.10 Following Relevant Representations the Licensing Authority may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises. In such cases licensed door supervisors (registered by the SIA) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, at a number and ratio to be determined by the Licensing Authority. (This excludes stewards/glass collectors who are not involved in the security of the premises and do not therefore require registration with the SIA).

CCTV

- 7.11 Licence holders may wish to install cameras for the protection of staff, customers and for the prevention of crime on or in the vicinity of the premises. In exercising its licensing functions, the Licensing Authority may for the purpose of promoting any of the Licensing Objectives, impose as a condition of the licence the installation of a CCTV system. It should be noted that in such cases the Licensing Authority may take into account the type and quality of recordings, the location of cameras, storage and the availability of recordings to the Licensing Authority and Police.

Cinema Exhibitions (see also under Protection of Children from Harm)

- 7.12 No film shall be exhibited at a licensed premises which is likely to:
- Lead to disorder
 - Incite hatred or violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

8. Public Safety

- 8.1 The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Act.

- 8.2 The Licensing Authority recognises that the Public Safety Objective is concerned with the physical safety of the customers using the relevant premises and not with Public Health, which is dealt with by other legislation.
- 8.3 Where the Local Authority Director of Public Health submits a relevant representation the relevant Licensing Objective is likely to be Public Safety. This may include where a premises has undermined the objectives in respect of accidents and injury and other harms that may be caused by alcohol consumption. These issues may also impact on the prevention of crime and disorder objective and/or the protection of children from harm objective.
- 8.4 Where activities are organised by volunteers or a committee of a club or a society the Licensing Authority considers it good practice that the same level of Health and Safety protection is provided as if an employer/employee relationship existed, irrespective of whether there are strict legal duties applicable under Health and Safety legislation.
- 8.5 Following Relevant Representations, where the Licensing Authority considers that general health and safety duties do not adequately cover certain Licensable Activities, conditions may need to be attached to the licence to ensure public safety.
- 8.6 Organisers of temporary/large scale events will be encouraged to seek advice and information from the Council's Event Safety Advisory Group prior to submitting any application.

Fire Safety

- 8.7 The Licensing Authority will have due regard to the representations of Cheshire Fire and Rescue Service regarding licensing applications.
- 8.8 Following Relevant Representations, the Licensing Authority may impose appropriate conditions in relation to fire safety matters in consultation with Cheshire Fire and Rescue Service.
- 8.9 The Licensing Authority will only include an occupant capacity condition on a Premises Licence or a Club Premises Certificate where there is a genuine fear or a genuine problem with overcrowding and it is considered appropriate for public safety. This figure will be arrived at in consultation with Cheshire Fire and Rescue Service. If an occupant capacity is fixed in accordance with any risk assessment required by The Regulatory Reform (Fire Safety) Order 2005 that figure will be used.
- 8.10 Where the special provisions of Section 177 of the Act (dancing, amplified and unamplified music in premises with a capacity of no more than 200 persons)

are utilised, the Licensing Authority reserves the right to confirm with Cheshire Fire and Rescue Service the safe capacity of the premises.

Sufficient Steps to Protect Against Terrorist Acts

8.11 The Licensing Authority encourages premises to produce and maintain appropriate general and technical risk assessments, management procedures and other documentation. This should be made available to the relevant responsible authority, and to the Licensing Authority upon request, in order to demonstrate that the public will be safe within and in the vicinity of the premises. It is advisable to include clearly defined responsibilities and procedures for medical and other emergencies, and for calling the emergency services.

8.12 The Council recognises the need to ensure that appropriate and proportionate steps are taken to protect the public. Without prejudice to any legal requirement or duty the Council expects premises managers to have taken appropriate steps including:

- That all staff on-duty at the premises, including all door supervisors, and all on-duty managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training⁵.
- That the premises manager and security supervisor/manager can evidence attendance at a Counter Terrorism (CT) Awareness session delivered by Counter Terrorism Policing North West (CTPNW) trained personnel as soon as reasonably practicable.
- That Designated Premises Supervisors in all cases must have registered to have attended a CTPNW course within 28 days of being named on the licence and be able to evidence this if requested by the Police or an authorised officer of the Council.
- That there should be a document security assessment and plan, which must incorporate counter terrorism measures for the premises, based on Guide, Shelter and Communicate, this should be reviewed following any change in national threat level, or any grant or variation. All any reviews and changes should be documented.

8.13 Licence holders and event organisers must ensure that they are complying with the requirements placed on them by Martyn's Law.

9. Prevention of Public Nuisance

⁵ [ACT Awareness e-Learning | ProtectUK](#)

- 9.1 If Relevant Representations are received the Licensing Authority, when making an objective judgment about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:
- Noise from premises
 - Waste
 - Litter
 - Car parking
 - Light pollution
 - Noxious odours
- 9.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

Noise and Vibration

- 9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies
- 9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a

report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.

9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- Limit the escape of any noise from the premises or open air site
- Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
- Minimise and control any noise from customers arriving and departing from the premises

9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.

9.7 If it is considered that any noise emanating from within the curtilage of a licensed premises is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.

Eating, Drinking and Smoking Outside Premises

9.8 The Licensing Authority will take the following into consideration:

- Whether people standing or sitting outside are likely to cause obstruction or other nuisance
- Whether premises are under or near residential accommodation
- The hours of sale of alcohol in open containers or food for consumption outside the premises
- Measures to make sure that customers move away from outside premises when such sales cease
- Measures to collect drinking vessels and crockery, cutlery and litter

- The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking
- Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.

Other Environmental Impacts

9.9 Consideration will be given to whether Operating Schedules contain adequate measures to prevent:

- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions
- Street fouling
- Light pollution
- Congestion of the pavement or roadway, impeding reasonable access arising from the proposed licensable activity that may cause nuisance to people in the vicinity.

9.10 If the sale of alcohol in open containers or food for consumption outside the premises has been proposed, the following considerations are relevant:

- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials
- Whether late night premises are likely to generate litter and whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs
- The steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances to neighbouring premises, and to manage the queue to prevent disturbance and obstruction
- The steps taken to prevent disturbance by patrons arriving at or leaving the premises
- The steps taken to ensure staff leave the premises quietly
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents

- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents
- Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises
- Whether other measures to prevent nuisance such as the use of CCTV or the employment of SIA registered door supervisors are necessary
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures
- The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted
- If the applicant has previously held a licence within the Cheshire East area, the details of any enforcement action arising from that premises
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.

Outdoor Events

9.11 The Licensing Authority will expect applicants seeking licences for outdoor events to propose appropriate measures within their operating schedule to control all types of nuisances. Additionally, applicants should have regard to the Noise Control Guidance issued in January 2024 by the Council's Environmental Protection Team. A copy of the guidance is set out at annex A.

10. Protection of Children from Harm

10.1 Protection of Children from harm includes the protection of children from moral, psychological and physical harm. This includes protection from premature exposure to strong language and sexual expletives. The Act does not prevent children having free access to premises selling alcohol for consumption on those premises, although the Licensing Authority when in receipt of Relevant Representations may impose conditions necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and the restriction of access may not ensure adequate protection of children from harm, children should be excluded. Examples of what may give rise to these concerns include:

- Where there have been convictions for serving alcohol to minors or where the premises has a reputation/there is evidence of underage drinking (including any action taken regarding test purchases in relation to the supply of alcohol)

- There is a known association with drug taking or dealing
- There is a strong element of gambling on the premises
- Entertainment of an adult or sexual nature is provided

Note: The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises used exclusively or primarily for the supply of alcohol for consumption on the premises.

10.2 Matters which the Licensing Authority will take into consideration include:

- Whether there are effective measures to check the age of those young people who appear under 25, to ensure alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises
- Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose
- The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises
- The likelihood of children being attracted to the premises e.g. by the nature of activities or facilities provided, whether or not these are licensed
- Whether there is evidence of heavy, binge or underage drinking on the premises

10.3 Where Relevant Representations have been received and it is considered necessary that the access of children should be restricted to protect them from harm then conditions may be attached to the licence. These may include:

- Limitation on the hours when children may be present
- Restrictions to the age of persons on a premises (e.g. to over 18's only)
- Restrictions on access to certain parts of the premises
- Limitations or exclusions when certain activities may take place
- Requiring an accompanying adult be present at all times

10.4 Where large numbers of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then the Licensing

Authority may require the presence of an appropriate number of adult staff (who will have provided a satisfactory Disclosure and Barring Service check) to ensure their safety and protection from harm. The exact ratio is to be assessed in respect of each individual application and is dependent on the type and size of the premises and the control measures in place as outlined within the operating schedule, and importantly the particular group of children likely to visit the premises in question.

Cinema Exhibitions (see also under Prevention of Crime and Disorder)

- 10.5 Where the exhibition of films is permitted the Licensing Authority will expect age restrictions to be complied with in accordance with the British Board of Film Classifications (BBFC) recommendations. Where a film has not been classified by the BBFC the Licensing Authority will consider whether it is appropriate to provide a local classification. When setting a local classification the Licensing Authority will have regard to the BBFC's guidelines.
- 10.6 In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions have not been adhered to.

11. Cumulative Impact

- 11.1 The Licensing Authority does not consider that there are areas where Cumulative Impact occurs presently nor is there a need at this time for the Licensing Authority to adopt a special policy relative to designating 'Stress Areas'.
- 11.2 Where there is a concentration of licensed premises this can lead to serious problems of nuisance and disorder arising in the area itself and even some distance away from the premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish individual premises as being the sole cause or even a major contributing factor, of a particular problem. It is the **Cumulative Impact** of all the premises which causes problems for the wider area.
- 11.3 It is clear however, that the vicinity within which licensed premises are or may be located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it should any relevant representation(s) be received. Due consideration will be given to the direct impact of the operation of the premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

- 11.4 It should be noted that 'Cumulative Impact' should not be confused with the issue of 'need', which relates to commercial demand for licensed premises. 'Need' is not a matter to be taken into account by the Licensing Authority.
- 11.5 Where a particular area becomes saturated with licensed premises, making it a focal point for large groups of people to congregate, this might create exceptional problems of disorder, noise and other nuisance. In such circumstances, the grant of further Premises Licences or Club Premises Certificates may undermine the Licensing Objectives.
- 11.6 Notwithstanding these concerns each application has to be considered on its own individual merits. Where an objector is seeking to establish that the grant of a licence or certificate would result in a cumulative impact which undermines one or more Licensing Objectives, the following shall apply:

Objections on the grounds of Cumulative Impact

- 11.7 In cases where objectors seek to establish that an application should be refused on the grounds that it would result in or further contribute to cumulative impact which would undermine one or more of the Licensing Objectives the objector shall:
- Identify the boundaries of the area from which it is alleged problems are arising
 - Provide full details and evidence as to the seriousness of the nuisance and disorder caused in the area
 - Identify the licensing objective(s) which it is alleged will be undermined with specific regard to:
 - The occupancy figure for the proposed premises
 - The nature of the licensed activity to be carried on at the premises and its patrons.

Identifying Stress Areas

- 11.8 Where objection under paragraph 11.7 is received and the Licensing Authority is satisfied that there is a serious or chronic concern about nuisance and disorder in a particular area and has refused an application on the grounds of Cumulative Impact the area shall be declared a '*Stress Area*'. In doing so the Licensing Authority shall:
- Follow the statutory procedures outlined in the Home Office Guidance issued under Section 182 of the Act

- Identify the boundaries of the area
- Identify the licensable activities causing the nuisance and/or disorder
- Monitor and review the 'Stress Area'

Applications for a New Premises Licence in a Stress Area

11.9 New premises licenses will not be granted for the activities identified as causing nuisance and/or disturbance in Stress Areas except where:

- No objections are received to the application, or
- The grant of the licence will not undermine the Licensing Objectives

11.10 In considering such applications the Licensing Authority will have particular regard to:

- The occupancy figure for the proposed premises
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises
- Whether the proposed premises will act as a replacement for others in the Area that no longer has a licence
- The proposed methods of management outlined in the applicants' operational plan
- The proposed hours of operation
- Transport provision for the Area

Existing Premises Licenses in Stress Areas

11.11 The above factors cannot be used as a justification for removing an existing licence. If representations are received about existing licensed premises relating to matters other than cumulative impact and which undermine the Licensing Objectives then appropriate action may be taken.

Applications for variations to existing Premises Licenses in Stress Areas

11.12 Applications for variations to existing Premises Licenses in Stress Areas will not be granted where modifications directly affect the issue of Cumulative Impact in the Stress Area or otherwise undermine the Licensing Objectives. An example of where a modification may directly affect the issue of cumulative impact would be where an application was received to extend premises and significantly increase the occupancy level of the premises.

12. Applications for New Grants and Variation of Existing Terms and Conditions

- 12.1 In the absence of any Relevant Representations in respect of any application made to the Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule and any Mandatory Conditions prescribed in the Act. This will also apply to any applications made in respect of premises within an identified Stress Area.
- 12.2 The Licensing Authority will consider the same issues in respect of a variation and a renewal as they do in respect of an application for a new grant.
- 12.3 The Licensing Authority may take into account any non-compliance with other statutory requirements brought to its attention. Particularly where these undermine the Licensing Objectives, as non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.
- 12.4 The Licensing Authority will consider whether appropriate measures have been put into effect by the applicant to mitigate any adverse impact.

13. Temporary Events

- 13.1 Arrangements are made under Part 5 of the Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or a club premises certificate.
- 13.2 The Licensing Authority will provide advice about, amongst other things, public safety. Organisers of temporary/large scale events will be encouraged to seek advice and information from the Council's Event Safety Advisory Group prior to submitting any application.
- 13.3 Legislation states that a minimum of ten working days notice should be given to the Licensing Authority of temporary events (or five working days in respect of a late temporary event). In accordance with the Act, 'Working Day' excludes Saturday, Sunday and Bank Holidays. The Licensing Authority cannot and will not accept notification of a Temporary Event Notice or a late Temporary Event Notice outside the statutory time limit.
- 13.4 The Licensing Authority acknowledges that in exceptional circumstances, some Temporary Events may and do have an impact upon crime and disorder. Therefore, in cases of large scale events, organisers should consider providing as much notice as possible. The Licensing Authority considers two months notice to be advisable in relation to such events.

13.5 The Licensing Authority expects organisers to give due consideration to the four licensing objectives and to consider local residents and those attending events, in areas such as:

- Health and Safety
- Noise Pollution
- Use of Temporary Structures
- Road Closures
- Use of Pyrotechnics or Fireworks
- Controlling Anti-Social Behaviour

13.6 The Licensing Authority may advise applicants to consult with Cheshire Fire and Rescue Service and North West Ambulance Service for guidance with regards to assessing possible risks.

13.7 Applicants will also be reminded that giving a Temporary Event Notice does not relieve the premises user from planning law and any requirement to obtain the appropriate planning permission where it is required.

14. Operating Schedule

14.1 It is recommended that that applicants contact Responsible Authorities when preparing their operating schedules. This is likely to reduce subsequent objections.

14.2 This Statement of Licensing Policy sets out criteria and considerations, which relate to the Licensing Objectives, which applicants should have in mind when drawing up their Operating Schedule.

15. Hours of Operation

15.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.

15.2 The Licensing Authority will consider whether longer licensing hours will achieve a gradual dispersal of people leaving licensed premises and therefore promote the Licensing Objectives.

15.3 The Licensing Authority recommends that applicants indicate within the operating schedule that consideration has been given to the impact the licensing hours applied for will impact on local residents and the surrounding area.

15.4 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting the hours. Consideration may be given to restricting the licensing hours of individual shops in circumstances where representations received indicate that the premises is a focus of disorder and disturbance.

16. Conditions

16.1 The Licensing Authority may, when considering the content of the Operating Schedule, select appropriate conditions from the Home Office Guidance Pool of Conditions⁶, where it is deemed appropriate to ensure that the Operating Schedule reflects the four Licensing Objectives.

16.2 Where appropriate, following receipt of Relevant Representations, the Licensing Authority, may attach conditions to the grant of a licence which seek to regulate the behaviour of persons as they leave licensed premises.

16.3 Where existing law already places statutory obligations on applicants the Licensing Authority will not usually impose the same or similar duties by way of condition.

16.4 In addition to the Home Office Pool of Conditions, the Licensing Authority is aware that some operators seek out further guidance on the working of conditions. This is to ensure that conditions are enforceable, practical and appropriate. Additionally, the Licensing Sub-Committee may seek to include conditions on a licence at a Hearing. In order to facilitate this, the Licensing Authority has compiled a list of frequently used conditions as a guide. It is not intended that these will form blanket conditions applied to all licenses. These conditions are set out at appendix 5.

17. Enforcement and Review

17.1 It is the intention of the Licensing Authority to work proactively with the Cheshire Police and other enforcement agencies. Proportionate targeting of agreed problem and high-risk licensed activities needing greater attention will be applied. A corresponding lighter touch for well run, lower risk premises will also be applied.

17.2 The Review of licences or certificates provides a key protection for the community where the Licensing Objectives are being undermined. The Review system should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate. The Licensing

⁶ [Supporting Guidance - Pools of Conditions \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Authority may then take a more robust approach when problems relating to the Licensing Objectives arise later in respect of any premises.

- 17.3 At any stage following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. The Licensing Authority shall refer to Guidance when assessing whether any Relevant Representations are irrelevant, vexatious, frivolous or repetitious.
- 17.4 Although the Act does not require premises inspections to be undertaken, they will take place at the discretion of the Licensing Officers charged with this role and will take place as judged necessary. This will ensure that the Licensing Authority manages resources efficiently and that 'effective enforcement' is directed at 'problem premises'.
- 17.5 Where any conditions have been applied to a Premises Licence or Club Premises Certificate and Authorised Officer of the Council may inspect the premises at any reasonable time for the purpose of checking that the conditions are being complied with.

Door Supervisors

- 17.6 The Security Industry Authority (SIA) plays an important role in preventing crime and disorder by ensuring that door supervisors are properly trained and licensed. Specific enquiries or premises visits may occur in order to ascertain that SIA Licenses are being executed in the correct manner and not as a tool for crime and disorder such as fronts for serious and organised criminal activity. Intelligence led operations by the SIA, Licensing Authority and/or Police will be conducted without notice
- 17.7 At all times the Licensing Authority will have regard to the Council's Enforcement Policy, which is available on the Council's website.

18. Early Morning Alcohol Restriction Orders (EMROS)

- 18.1 Under Section 172 A to E of the Act, the Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 18.2 The Licensing Authority will consider evidence that such a decision is appropriate for the promotion of the Licensing Objectives. Consideration will be given to evidence provided by partners, Responsible Authorities and the

Local Community Safety Partnership as well as evidence the Licensing Authority has gathered to determine whether an EMRO would be appropriate for the promotion of the licensing objectives. The Licensing Authority will consider the problems that have been identified. A range of evidence may be considered, including local crime and disorder statistics, statistics on anti-social behaviour offences, health related statistics (e.g. alcohol related emergency attendances and hospital admissions, environmental health complaints, complaints recorded by the Council, residents' questionnaires, evidence from local councillors and evidence obtained through local consultation).

18.3 It is acknowledged by the Licensing Authority that an EMRO is restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified in particular other measures might include:

- Development of a Cumulative Impact Policy
- Reviewing the licenses of specific problem premises
- Encouraging the creation of business-led practice schemes
- Use of powers of the Council to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)
- The confiscation of alcohol in designated areas
- Police enforcement of the general law concerning disorder and anti-social behaviour
- Prosecution for the offence of selling (or allowing such a sale) alcohol to a person who is drunk
- Use of Police powers to close down any licensed premises instantly for up to 24 hours in respect of which a TEN has effect

18.4 In taking any decision to make an EMRO, the Licensing Authority will follow the statutory process and will invite representations.

18.5 The Licensing Authority appointed a working group to consider the implementation of any EMROs. The group reported their findings to the Licensing Committee in November 2016. The findings of the working group were that EMRO(s) were not appropriate at that time. This decision was endorsed by the Committee. However, this matter can be revisited at anytime

and should the evidence justify the making of an order, this will be given further consideration

19. Late Night Levy

- 19.1 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late Night Levy, following a consultation process, outlined by the Home Office. It allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) after 12 midnight and up to 06:00 in order to cover the additional costs associated with late night alcohol trading. Legislation allows this to start from midnight but it is up to the Council to decide when they wish to apply it.
- 19.2 Any income raised by the Levy must be split with the local Police force; the Police would receive a minimum of 70% of funds raised and the Council's 30% must be used to fund services which make the late night economy a more welcoming place.
- 19.3 The Licensing Authority appointed a working group to consider the implementation of a Late Night Levy. The group reported their findings to the Licensing Committee in November 2016. The findings of the working group were that a Late Night Levy was not appropriate at that time. This decision was endorsed by the Committee. However, this matter can be revisited at anytime and should the evidence justify the implementation of a levy, this will be given further consideration.

20. The Licensing Process

- 20.1 Applications can be made on the prescribed forms that can be found on the Home Office website.
- 20.2 Applications can also be made via the government website www.gov.uk. In order to fulfil its obligations under the Provision of Services Regulations 2009 (and the EU Services Directive) the Council will continue to enable the application process and payment online. Tacit consent is however not applicable for applications under the Licensing Act 2003 since the suitability of an applicant and the suitability of premises are under consideration.

21. Delegation and Decision Making

- 21.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated at an appropriate level to ensure an efficient and cost effective service.
- 21.2 The Licensing Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing

functions to be discharged in accordance with the Home Office Guidance. The table at Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers

- 21.3 The Act itself creates a presumption that applications will be granted unless a Relevant Representation (objection) is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicants, objectors and Responsible Authorities to ensure that any licence granted is subject to any appropriately agreed conditions and relevant mandatory conditions
- 21.4 Where objections are made, an officer of the Licensing Authority may liaise with the Applicant, objectors and the Responsible Authorities to see if a 'settlement' is possible to overcome any objections, without the need for the matter to go before the Committee or Sub-Committee. Only where objections are raised which cannot be reconciled will matters be referred to either the Sub-Committee or the Full Committee for determination.
- 21.5 Contested Licensing Applications and Review Hearings are administrative in nature and the (Sub) Committee will ensure that any meetings are conducted as informally as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. Procedural requirements will be established to ensure that all parties are able to express their views openly and fairly. The (Sub) Committee procedure is inquisitorial rather than adversarial and, whilst applicants, objectors and Responsible Authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement or a necessity.
- 21.6 Whilst the (Sub) Committee usually meets in public, it does have the power to hear certain applications in private. The Committee, however, will always reach its decision in private. A public announcement of the decision is normally made at the end of the Hearing together with an outline of the reasons for that decision. However, on occasion this may not be possible, due to time constraints and/or the complexity of the issues under consideration, in which case a written decision will be issued as soon as possible after the Hearing.
- 21.7 The procedure which will generally be used by the (Sub) Committee, unless the Chairman of the (Sub) Committee takes the view that natural justice and fairness require a change to be made to the process, is set out at Appendix 2.

22. Exclusions

- 22.1 In formulating this Statement of Licensing Policy in accordance with Guidance and recognising the need to treat each application on its individual merits the Licensing Authority makes specific exclusions, which are detailed below.

Commercial Demand

- 22.2 The commercial demand for additional premises licenses (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the Planning Authority.

Zoning and licensing hours

- 22.3 Fixed predetermined closing times for particular areas will not form part of the Policy and restriction on trading hours will be considered only where appropriate to meet Licensing Objectives. However, the Licensing Authority has produced a document to assist applicants, Committee Members and Responsible Authorities in considering what hours are suitable for Town Centre, Rural, or Residential locations. This is set out at appendix 6. While these times are not binding on applicants, where an applicant does apply for permissions beyond these suggestions there will be an expectation from all Responsible Authorities that additional measures to promote the Licensing Objectives will be included in the operating schedule accompanying the application.

Children

- 22.5 Nothing in this Statement of Policy shall limit or require access of children to premises unless there is an overriding necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this Policy.

Standardised conditions

- 22.6 The Policy does not provide for 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licenses or certificates if deemed appropriate in particular circumstances will be tailored to reflect the individual operation of the premises in question. Conditions will not be imposed which are beyond the responsibility or control of the premises licence holder.

23. Consultation

23.1 In reviewing this Policy the Licensing Authority has consulted widely to ascertain an appropriate licensing framework for its area. Various bodies have been consulted as set out within the Licensing Act 2003.

24. Changes to Legislation

24.1 As changes to legislation occur the Council will implement them using the principles stated in this Statement.

Appendix 1

Table of delegations of licensing functions
Functions under the Licensing Act will be dealt with as follows:

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection	If no objections made
Application for Personal Licence with unspent convictions		All Cases	
Application for premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated Personal Licence holder		If a police objection	All other cases
Request to be removed as designated Personal Licence Holder			All cases
Application of transfer of Premises Licence.		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when Local Authority is a consultee and not a lead authority		All cases	
Determination of a relevant objection to a Temporary Event Notice		All cases	
Power to issue a Counter Notice in respect of a Temporary Event			All cases
Determination of a minor variation			All cases
Decision to exercise the Licensing Authority's powers as a Responsible Authority			All cases

CHESHIRE EAST COUNCIL

Procedure for Hearings – Licensing Act 2003

The Licensing Committee

The full Licensing Committee consists of elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chair, that will be the first item of business.

1	Chair	The Chair will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>

5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	Other Persons (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Other Persons (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	The local residents who are objecting to the application will be invited to make observations on the application and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the Local Residents.
17	Chairman	To invite both Responsible Authorities and Local Residents to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested

		conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	<p>Will return to <u>give its decision</u>, with reasons, which will be announced by the Chair and subsequently confirmed in writing to the applicant and to all the parties that made representations.</p> <p>In cases where a decision is not given at the end of the hearing, parties will be advised of the decision within five working days.</p>

Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chair may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.
8. When considering an application to review a licence, references to applicant will lean the person who applied for the review of the licence. The premises

licence holder will be heard in the 'other persons' section of the hearing. In respect of TEN hearings the applicant will mean the Responsible Authority who submitted an objection notice.

Summary of Procedure

1. Chairman appointed (if this has not been done previously).
2. Chairman to call for declarations of interest and request that all parties introduce themselves.
3. Chairman summarises the procedure for the hearing
4. The Licensing Officer summarises the application
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present
13. The decision notice setting out the reasons will be issued within 5 working days

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under this Premises Licence –
 - a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

Mandatory condition where the licence authorises the exhibition of films

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

Prohibited conditions: plays

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Mandatory condition: Door supervision

Each individual engaged in security activities at the premises must either:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014

MANDATORY CONDITIONS

Condition 1

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –

i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

ii. Drink as much alcohol as possible (whether within a time limit or otherwise);

b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the reasonable person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - a) A holographic mark, or
 - b) An ultraviolet feature

Condition 4

The reasonable person must ensure that –

- a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - i. Beer or cider: ½ pint;
 - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

i. P is the permitted price,

ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

i. the holder of the premises licence,

ii. the designated premises supervisor (if any) in respect of such a licence, or

iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Non-regulated Entertainment

The Deregulation Act 2015 extended the deregulation of entertainment that was brought into effect by the Live Music Act 2012, Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, and The Legislative Reform (Entertainment Licensing) Order 2014. The following activities do not require authorisation under the Licensing Act 2003 (eg premises licence or temporary event notice):

Non-regulated Entertainment Matrix							
Plays and Dance	Films	Live Music unamplified	Live Music amplified	Recorded music	Boxing and Wrestling	Indoor Sport	Cross-activity Any entertainment
At any time between 0800 and 2300							
Audience up to 500		Audience unlimited	Audience up to 500		Audience up to 1000		Audience unlimited
Conditions / Restrictions							
	Consent from premises		Premises with an alcohol on-licence or		Greco Roman or Freestyle		On LA/hospital/school premises or
	Observe age ratings		Church hall, village hall or similar with the consent of person responsible or				At travelling circus provided: 1. No films, boxing or wrestling and 2. within a moveable structure accommodating audience and 3. not there for more than 28 days
	Not for profit and		Non-residential LA premises, school or hospital with the consent of body responsible or				
	on community premises		Live music only – a workplace (ie anywhere that is made available to any person as a place of work)				

Sample Conditions

Conditions attached to a licence or certificate are the steps or actions the holder of the premises licence or the club premises certificate will be required to take, or refrain from taking, at all times when licensable activities are taking place at the premises in question.

Conditions are required to be clear, appropriate and enforceable and must be expressed in terms that are unequivocal and unambiguous. Further, such conditions should be open, transparent and reasonable.

Conditions must not be applied universally and treated as standard conditions. Licensing conditions are to be tailored to the size, style, characteristics and activities taking place at the premises concerned.

The sample conditions list is neither exclusive nor exhaustive. The conditions relate to the four licensing objectives and can be used where appropriate to the particular circumstances of individual premises.

The list of sample conditions does not restrict any applicant, responsible authority, or other persons from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives.

The Prevention of Crime and Disorder

CCTV

The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested

NB The above condition is an example of the wording that could be used for premises where the customers might commit serious crime. The CCTV requirements would be expected to be 'scaled down' accordingly for smaller premises or those premises which are unlikely to prove as troublesome

Incident Management

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Licensing Authority. The log will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of customers
- (c) any incidents of disorder (disturbance caused either by one person or a group of people)

[There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]

- (d) seizures of drugs or offensive weapons
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol during the hours the premises is licensed to sell it

There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the DPS and/or xx, shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Cheshire Police for appropriate disposal

Door Supervisors

On any occasion that regulated entertainment is provided, not less than xx SIA registered door supervisors shall be engaged to control entry

At least xx female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.

When the premises is carrying on licensable activities after xx:xx hours, at least xx registered door supervisor(s) is(are) to be on duty at each door used for entry or exit.

A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises

There shall be no admission or readmission of customers to the premises after xx:xx hours save for customers using the agreed smoking area at the premises

On occasions where licensable activities are carried on past xx:xx hours admission of customers will be restricted to *[enter restriction e.g. a particular entrance, a particular area of the licensed premises etc]*

Where SIA registered door supervisors are used at the premises, a record shall be kept of their SIA registration number and the dates and times when they are on duty.

The door supervisor[s] shall properly control customers outside the Premises so that they leave quickly and quietly and do not congregate on the pavement outside the Premises [causing noise and nuisance to residents living in the vicinity]

Public Safety

All glasses in use at the premises shall be either toughened glass or polycarbonate material

No drinks of any sort are to be supplied to customers in glass bottles

The Prevention of Public Nuisance

Noise (regulated entertainment)

All doors and windows shall remain closed at all times after xx:xx hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency

The external doors of the Premises shall be kept closed except for immediate access and egress and the windows shall be locked shut from xx:xx hours until the Premises closes.

Loudspeakers shall not be located in the entrance lobby, *[specify another location if appropriate]* or outside the premises

Noise (persons)

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly

Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them

There shall be no sale of alcohol in unsealed containers for consumption off the premises

The Licence holder shall make available a contact telephone number to nearby residents and the Licensing Team/Environmental Protection Team/Police to be used in the event of complaints arising

The Protection of Children from Harm

A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under xx years of age. The log shall

record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the Council

A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Children under the age of xx years shall not be allowed on the premises after xx:xx hours unless accompanied by an adult.

Children under the age of ** years shall not be allowed on the premises

No single cans or bottles of beer or cider shall be sold at the premises

General

Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear

There shall be no self service of spirits on the premises

There shall be no admission after xx:xx other than to

- 1) Residents of the hotel and their bona fide guests
- 2) Persons who have pre-booked to attend a function at the premises

All tables and chairs shall be removed from the outside area by xx:xx hours each day.

A copy of the premises licence shall be provided to any company involved in the provision of licensable activities at the premises.

Martyn's Law

At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises, including all door supervisors, and all on-duty managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training. In addition, a minimum of 1 on-duty manager and any on-duty security supervisor/manager must also have attended a Counter Terrorism (CT) Awareness session delivered by Counter Terrorism Policing North West (CTPNW) trained personnel as soon as reasonably practicable. If not completed, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of the licensing authority.

The Designated Premises Supervisor must have attended a CT Awareness training session delivered by CTPNW-trained personnel as soon as is reasonably practicable. In all cases, within 28 days of a new Designated Premises Supervisor being named on the licence, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of the Council.

There must be a documented security assessment, which must incorporate counter terrorism measures for the premises. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.

Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security assessment and take prompt steps to eliminate them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of the Council.

The premises must have a documented security plan, which sets out counter measures to be implemented in response to a terrorist attack that incorporates the principles of 'Guide', 'Shelter' and 'Communicate' as appropriate in conjunction with relevant National Counter Terrorism Security Office (NACTSO) / Centre for the Protection of National Infrastructure (CPNI) guidance, and the purposes of those procedures and the necessity of following them must be understood by those carrying them out:

Guide – Direct people towards the most appropriate location (in vacuation, evacuation, hide)

Shelter – Understand how your place or space might be able to lock-down and shelter people within it for several hours

Communicate – Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

Suggested Hours Matrix

Area	Vision	Licensing Policy Direction	Premise Type				
			Restaur ant	Club / Late Bar	Pub	Off Licenc e	LNR
The designated areas of Macclesfield and Crewe town centres	Creation of mixed use development	Our aim for this area includes: To expand the early evening offer to introduce a new customer base and to reduce the reliance on vertical late night drinking	01:30	03:00	02:00	23:00	01:30
The designated areas of Wilmslow, Knutsford, Congleton, Sandbach, and Nantwich town centres	Creation of mixed use development.	Our aim for this area includes: To expand the early evening offer to introduce a new customer base and to reduce the reliance on vertical late night drinking	01:00	02:00	01:00	23:00	01:00
All other areas	To protect the integrity of the existing community	Our aim for this area is to: To protect the integrity of the area and to encourage businesses that are consistent with the needs and expectations of the area	00:30	X	00:00	23:00	00:00



**NOISE CONTROL GUIDANCE FOR
LARGE OUTDOOR EVENTS
(WITH 500 OR MORE
GUESTS/CUSTOMERS)**

Contents

1. Introduction

2. Purpose of this Guidance

3. Key Legislation and Guidance

- Environmental Protection Act 1990: Part III
- Licensing Act 2003
- The Purple Guide
- Events Safety Advisory Group

4. Event Information

- Noise Control
- Local Geography and Topography
- Location of Speakers
- Type of Event
- Public Relations
- Noise Management Plan
- Location of Generators

5. Noise Monitoring

6. Preparation Before the Event

- Bands and Live Music
- Sound Systems
- Setting Up

7. During and After the Event

8. After the Event

Appendix 1 – Event Information Questionnaire

Appendix 2 – Event Checklist

Appendix 3 – Glossary of Possible Noise Licensing Condition

Appendix 4 - Acoustic Definitions

1. Introduction

Cheshire East Council supports and encourages entertainment and cultural events within the community, many of which involve music. This document outlines the Council's approach to managing and controlling noise from large outdoor events (i.e. those with 500 or more people attending). The approach taken in this guidance is one of active engagement with the Council's Environmental Protection Team at the earliest possible opportunity. This will help to minimise and, where possible, remove the possibility of noise from the event causing a nuisance to the surrounding area. It also introduces and outlines the relevant legal framework associated with these types of events and draws on past events to offer advice regarding good practice to help control the noise.

Please note, for smaller events, i.e. those with less than 500 people attending, further information can be found on the Council's website⁷.

Any queries or questions regarding this guide should be sent to the Environmental Protection Team Leader at environmentalprotection2@cheshireeast.gov.uk

2. Purpose of this Guidance

This guidance is aimed at:

- Interested parties who participate in the planning/hosting/staging of large outdoor events within Cheshire East, which have the potential for noise disturbance
- Outdoor event organisers and promoters
- Owners of land where large outdoor events may take place
- Sound engineers
- Acoustic consultants

3. Key Legislation and Guidance

The Environmental Protection Act 1990 – Part III

Annually, the Council receives a considerable number of complaints regarding the level of noise from large outdoor events. To try and avoid a potential noise nuisance the Council will always try to work with all parties involved before, during and after the event.

Please note, if the Council establishes that noise from any large event, is either likely to or is causing a statutory nuisance, action may be taken in accordance with both the Council's Enforcement Policy⁸ and Part III of the Environmental Protection Act 1990⁹, which may result in the service of a formal Statutory Nuisance Abatement Notice. If the statutory notice is found to be breached it may result in prosecution in the Magistrates' Court, where an unlimited fine can be imposed where guilt is established.

⁷ www.cheshireeast.gov.uk/leisure_culture_and_tourism/events-whats-on-guide/event_organisers/licensing.aspx

⁸ <https://www.cheshireeast.gov.uk/business/enforcement/enforcement-policy.aspx>

⁹ <https://www.legislation.gov.uk/ukpga/1990/43/contents>

Licensing Act 2003

Any premises where regulated entertainment takes place must have a premises licence. If such activities are undertaken without the benefit of a premises licence or in breach of any conditions imposed on a licence, the Council's Licensing Enforcement Team could call for a review of the licence and/or refer the matter to the Magistrates' Court for prosecution as set out in the Licensing Act 2003. For further information regarding licensing please see the Council's website¹⁰ or the team can be contacted at licensing@cheshireeast.gov.uk.

The Purple Guide

The Purple Guide was originally published by the Health & Safety Executive and is designed to provide guidance for event organisers, suppliers, local authorities and others involved in the outdoor events industry. Publication of the Guide was taken over by the events industry in 2012, which is when it was updated. It is not intended as a detailed guide but provide general guidance on the matters event organisers need to consider when planning an event. It does not exclusively apply to noise control but focuses on the application of health and safety and associated regulations, some of which will apply to noise levels at large events.

Events Safety Advisory Group

The Event Safety Advisory Group (ESAG) is a multi-agency group made up of officers from Licensing, Environmental Health, Trading Standards, Highways, Emergency Planning, Cheshire Police, Cheshire Fire and Rescue and the Northwest Ambulance Service. This group is normally the first point of contact for any individual, group or business thinking of organising a large outdoor event. Whilst risk management and public safety are the responsibility of the event organisers, early consultation with ESAG can significantly increase safety and assist in the planning process. More information is available on the council's website¹¹.

4. Event Information

The Council's Environmental Protection Team requires initial information and details of the event as outlined in Appendix 1, at least six months prior to the event taking place. A checklist is available in Appendix 2, which summarises what needs to be covered for all large outdoor events.

Event organisers will need to demonstrate that:

- The location of all stages and marquees where live or recorded music will take place, have been planned to minimise their impact on noise sensitive properties.

¹⁰ www.cheshireeast.gov.uk/business/licensing/licensing.aspx

¹¹ www.cheshireeast.gov.uk/leisure_culture_and_tourism/events-whats-on-guide/event_organisers/event_organisers.aspx

- The programme of events for stages and marquees where music is to be played, has been planned in such a way to minimise the impact of noise at sensitive properties.

- All suitable measures are considered and where appropriate employed to mitigate noise levels, for example-
 - the number and positioning of speakers,
 - use of delay or circuit speakers,
 - compressors/generators; or
 - noise limiters on the main sound circuit.

All completed forms should be emailed to the Environmental Protection Team via environmentalprotection2@cheshireeast.gov.uk.

Noise Control

Based on the event information supplied, the Environmental Protection Team may seek to apply conditions appropriate to promote the licensing objectives for the event, through the licensing regime to control the operating hours and/or noise levels. Included in Appendix 3 is a (non-exhaustive) list of examples of licensing conditions, which could be applied to a licence to control noise levels at the event.

The aim should be to achieve the Music Noise Level (MNL) when assessed during sound checks and should not exceed the guidelines set out in Table 1 at one metre from the façade of any noise sensitive premises (i.e. school, care homes, nursing homes etc) for events held between 0900 and 2300.

Table 1 - Guideline Music Noise Levels values

Concert days per calendar year, per venue	Venue Category	Guideline
1 to 3	Urban Stadia or Arenas	The MNL should not exceed 75dB(A) over a 15-minute period
1 to 3	Other Urban and Rural Venues	The MNL should not exceed 65dB(A) over a 15-minute period
4 or more	All Venues	The MNL should not exceed the background noise level by more than 15dB(A) over a 15-minute period

For events continuing or held between 2300 and 0900 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

In addition, the maximum sound levels in the 63Hz and 125Hz octave bands must not exceed 75dB over a fifteen minute period, throughout the event, including rehearsals and sound checks, at any noise sensitive premises.

Local Geography and Topography

The overall site design and layout should have the dual purpose of maximising audience enjoyment, whilst using the local topography to act as a natural acoustic barrier to protect noise sensitive properties. When deciding on the location of an event, the potential to cause a noise disturbance must be a key consideration. If the site is surrounded by residential properties, it may not be a suitable venue for music based events, or strict conditions and controls may need to be imposed via the premises licence.

Consideration will need to be given to all potential noise sources for example music, people, fairground rides, loudspeakers, public address systems, compressors/generators etc. If there are any sensitive receptors near the site, steps will need to be taken to minimise the impact of all noise sources. Table 2 gives a non-exhaustive list of considerations.

Table 2 - Potential localised features and associated comments

Feature	Comment
Wind	The prevailing wind can carry noise towards receptors. Offsite it can be very noticeable for example a gust of wind can lead to more than a 10 decibel (dB) increase
Water	Noise carries readily over stretches of water such as lakes, which can lead to increased noise levels off site
Hills	The topography of the land around the event site can determine the direction of noise transmission off site
Trees	Usually not considered an effective noise barrier
Nearby non-noise sensitive buildings	Can provide useful noise barriers, they can also cause problems in terms of reflection, which may direct the sound towards noise sensitive premises and amplify the noise at the receiver's location

Location of Speakers

Most speakers are capable of directing sound towards a target area and they should be focused on the audience area so as to reduce the transmission of noise off site.

Consideration must be given to:

- Where the audience will be located - sound engineers should set up the system to concentrate the sound in this area and reduce sound leaving the site.
- It may be preferable to use a distributed system suspended from delay towers around the area where the audience is located, as this will help to reduce the noise levels when compared to only using speakers located next to the stage area.
- It is important that the sound engineer strictly controls the noise levels, especially low frequency noise (bass tones), as this will be more likely to cause the most disturbance to both local residents and those located further away from the site.

Type of Event

The event organiser should consider the type of performers and music to be booked for the event. All performers will have differing noise level requirements and it is important that the site operator has control of the overall volume and frequency levels. Please note,

if the event is to be held on council owned land, there may be additional terms and conditions included in the hire agreement to control noise, which will need to be agreed and adhered to during the event.

Public Relations

Previous events have shown that if there is effective communication between the event organiser and local residents, the residents are more likely to be understanding of what is taking place. Therefore, the important considerations are:

- Inform local residents and businesses well in advance of the event taking place, so they can make alternative arrangements for themselves and their pets, if required.
- A letter should be sent to local residents, other noise sensitive receptors and local community groups at least two weeks in advance of the event taking place. The contents of the letter along with any complaint procedure will need to be discussed and agreed in advance at multi agency meetings during the planning process for the event.
- It is also advantageous to engage with the local Town and/or Parish Councils to make them aware of the duration of the event and the controls in place. Details of all Town and Parish Councils can be found on the Cheshire East Council website¹².
- Operating a staffed complaint telephone number and/or email via which noise complaints can be channelled and actioned as quickly as possible.

Noise Management Plan

A Noise Management Plan (NMP) should be prepared and emailed to the Council's Environmental Protection Team as early as possible. Please note, events involving amplified music in locations with noise sensitive receptors near the site, may be required to submit a NMP as part of the conditions attached to a premises licence. The NMP should identify all noise monitoring locations, both on and off site. Typical sections for a NMP include:

- ✓ Type of event
- ✓ Dates and duration of the event
- ✓ Times of operation each day the event takes place including rehearsal and sound check times
- ✓ Types of noise to be generated by the event e.g. music, fireworks, people etc.
- ✓ Noise criteria used for assessing the noise during the event
- ✓ Assessment of predicted noise levels
- ✓ Details of noise control and management measures to be implemented
- ✓ Details of how local residents can complain and how they will be dealt with during the event
- ✓ Contact details of the organiser and responsible staff on site for the Council can contact, if necessary

Location of Generators

¹²www.cheshireeast.gov.uk/council_and_democracy/voting_and_elections/town_and_parish_councils/town_and_parish_councils.aspx

If generators are to be used, consideration should be given to their location so as to prevent noise affecting local residents. Where possible all generators and ancillary equipment should be located at a distance so they are inaudible at all noise sensitive properties. If, due to the nature of the site, this is not possible, suitable acoustic screening or barriers should be used to ensure the noise does not affect neighbouring noise sensitive premises.

5. Noise Monitoring

The event organiser is responsible for ensuring all noise monitoring is undertaken and all relevant noise limits set for the event are complied with. It is normal for event organisers to employ an acoustic consultant to do this on their behalf. If an acoustic consultant is employed, they should be made aware of the information in Table 3.

Please note, council officers may also undertake visits to the site both before and during the event to check the layout of the site, noise monitoring and any noise controls imposed by the licence are in place for the event. If officers visit the site or undertake noise monitoring either on or off site, they should receive co-operation from the event organiser and other relevant persons on the site.

Table 3 – Noise monitoring considerations

Acoustic Consultant	Employ a suitably qualified acoustic consultant who will be able to assist with noise transmission on and off site and to identify which noise sensitive premises may be affected.
	Ensure the acoustic consultant is aware of all noise controls required and in place for the event.
	It may be helpful for a noise contour map to be produced, which can be included in the Noise Management Plan.
Equipment	The use of sound level meters and associated measurements can be complex and anybody undertaking these must be suitably trained.
	Noise levels must be measured using an integrating-averaging sound level meter complying with type 2 or higher (British Standard 6698) to undertake all noise monitoring including background noise levels. The time weighting 'F' (fast response) should be used.
	The use of a basic sound level meter or mobile phone App should be avoided. If they are used it should only be for indicative purposes and not to demonstrate compliance with any noise requirements.
Noise measurements	Should be undertaken at or near to the mixing desk and other pre-determined locations both on and off the site, such as near noise sensitive premises.
	Noise monitoring during the event should either be continuous or as a succession of short periods e.g., up to 15 minutes (L_{Aeq}).
	To ensure the dominant noise source is being measured you must avoid undertaking measurements close to busy roads or other such noise sources. If a location is available, which is set

	back from the road, this should be used and the location recorded on a map.
Low frequency noise	Criteria may need to be set to control low frequency noise, depending on the type of event, as this can cause disturbance even if the overall noise levels are being achieved.
	It is recommended that all complaints are logged, including the location, time, date and the 63Hz and 125Hz octave frequency bands are checked to ensure they are not above 75dB(A) or a limit specified in the licence.
Monitoring outside of the venue	Those undertaking noise monitoring and controlling sound levels need to be able to communicate with each other. Communication channels need to be checked as mobile phone signals are not always available in rural areas.
	If monitoring indicates noise levels are exceeding those set for the event, the nominated person must, without delay, inform the sound engineer or other relevant person who can make the necessary adjustments. The sound engineers should be instructed to act on the advice of the nominated person who is responsible for overall control of the music.
	If noise complaints are received in an area which is not being monitored, the event organiser should make every effort to respond to the complaint and if appropriate, undertake noise monitoring in the area where it originated. All such monitoring must be recorded along with the location, time and date.

6. Preparation Before the Event

Band and Live Music

Music from most performers consists of amplifiers and speakers for instruments and vocals. The sound is mixed and balanced by a sound engineer at the sound desk prior to the performance. It is important that any performers booked are:

- Aware of the need to be sensitive due to the potential for noise disturbance off site and should accept all restrictions imposed for the event. Verbal assurances have been known to be ineffective and organisers are strongly advised to include suitable clauses in contracts, so as to ensure they retain effective overall control of sound levels.
- Where more than one stage or marquee is proposed they should be spread throughout the site. Simultaneous performances should be held at separate places so as to minimise the likelihood of large crowds being drawn to one place.
- Ensuring the programme runs to schedule is key. Performers can take longer than expected to set up or may fail to arrive on time, which can cause the schedule to slip. Organisers are reminded about their responsibilities under the terms and conditions of any licence or agreements for the event. This is especially important for those set by the Council to protect local residents and the community.

Sound Systems

The output of all sound systems should be suitable for the size and nature of the event, and further information about suitable noise levels for the audience area can be found on the Health Safety Executive website¹³. Ensure, when booking a sound system company, that they fully understand the need to work within any restrictions imposed for the event and that they are prepared to accept direction from the licence holder, event organiser or other responsible authority regarding sound levels. It is recommended that a suitable contract is drawn up giving clear and detailed information about the expectations regarding the management of acceptable sound levels based on the contents of this document.

Setting up

A sound propagation test should be conducted on the day of the event, after 10:00 hours, to ensure the sound levels at the agreed monitoring positions comply with any noise limits imposed for the event, allowing for the weather conditions. If the agreed sound levels at the sound desk need to be adjusted this must be done and the new levels noted and implemented. It is preferably that controls are locked in place to prevent any further adjustment beyond the maximum level. Officers from the Environmental Protection Team may attend sound checks if available.

7. During the Event

It is expected that the event organiser will be responsible for noise monitoring and ensuring they comply with all noise conditions imposed. However, where complaints have been received, or there is reason to suspect that licence conditions may not be complied with, the Council may also undertake noise monitoring of the event.

Sound levels should be monitored from the agreed monitoring positions throughout the event and a record kept of the results. Action should be taken to reduce noise levels where they are exceeding those imposed for the event, and a record kept of the reason for the breach and any action taken to resolve the problem together with the date and time of such action.

The complaint hotline should be staffed at all times during the event i.e., from before the sound propagation test and until all members of the public have left the premises. Any complaints should be passed on to the responsible person as appointed by the event organiser, without delay. Action should be taken to investigate all complaints and, where appropriate, remedial action taken, all of which should be recorded for your own records.

Please be aware that noise levels set during the sound propagation test may vary at noise sensitive premises, when compared to the predicted levels. If this is the case it needs to

¹³ <https://www.hse.gov.uk/event-safety/noise.htm>

be taken in to account during any sound tests so sound levels can be adjusted as required.

8. After the Event

When the event has finished, noise disturbance can be caused by dismantling the stage and other equipment. If this is likely to adversely impact neighbouring noise sensitive premises, it should be delayed until the following day.

The results of the noise monitoring along with details of any complaints received and action taken to resolve them should be emailed to the Environmental Protection Team within 48 hours of the event finishing. In addition, you be expected to give a debrief to the Events Safety Advisory Group (ESAG).

If you have plans to run subsequent events, a checklist of what went well and what could be improved next time should be retained along with any lessons learned from the event. This can be hugely beneficial for helping with arrangements for future events.

Appendix 1

Event Information Questionnaire

The event organiser should supply their event planning information well in advance of the event date so that any potential for noise nuisance arising from the event can be managed from the outset. The aim is to make sure the event can go ahead without causing unnecessary disturbance and we request this form is completed and sent to the Environmental Protection Team at environmentprotection2@cheshireeast.gov.uk

1. Name and Address of Premises/Site:

.....
.....

2. Date of the Event:..... No Attendees:.....

3. Start Time:..... Finish Time:.....

4. Names, Company details, Duties and Telephone Numbers of the Premises Licence Holder/Organiser

Name&	Main Duty	Premises Licence	Telephone	Email
-------	-----------	------------------	-----------	-------

Company Details		Holder Y/N		

(Ensure that the person with overall responsible for the control of noise during the event is identified)

5. Name of the nominated Designated Premises Supervisor (DPS):

.....

(NB If the nominated DPS above is different to the one stated on the premises licence you should contact the Council's Licensing Team to determine if changes to the licence are required)

6. Details of the sound engineer or production company to be employed:

Name:..... Company Name.....

Address:.....

.....

Tel Number:.....

Email:.....

7. Details of the acoustic consultant (if applicable):

Name:..... Company Name.....

Address:.....

.....

Tel Number:.....

Email:.....

Please make sure the following are enclosed:

- Layout plan of the premises/site to a suitable scale (e.g. 1:500) which clearly show the location of all music areas/fairground rides/generators, bars and dimensions of marquees and other temporary structures to be used during the event)
- Noise Management Plan
- Itinerary of bands and music

Signed:..... Date.....
(Organiser of event)

Appendix 2 - Event Checklist

Before the Event	✓
Check what permissions you need to hold for the event i.e. Licensing Act 2003, Planning, land ownership, Highways etc	
If required, appoint a suitably qualified noise consultant	
Provide the noise consultant with a copy of this guidance, which should be followed before, during and after the event	
Visit the event site and surrounding area. Make a list of all potential noise sensitive premises which may be affected by the event and decide on a suitable layout plan for noisy activities	
Produce a Noise Management Plan (NMP)	
Submit the Noise Management Plan for approval to the Environmental Protection Team environmentprotection2@cheshireeast.gov.uk	
Choose a telephone number and/or email address that will function as a complaint hotline	
Prepare a draft letter for local residents that informs them of the event: <ul style="list-style-type: none">• The type of event along with the date(s) and time.• Start and finish times of the event.	

• The complaint hotline and/or email address details	
Send a copy of the draft letter to the Environmental Protection Team for approval	
When the letter for the local residents has been approved it should be sent at least 2 weeks before the start of the event to all the premises noise sensitive as identified in the NMP.	
Confirm the approval of the NMP with the Council's Environmental Protection Team	
Test the complaint hotline/email address is working	
Test the contact numbers you will be using for communication between relevant people during the event	
During the Event	✓
Ensure that all pre-agreed noise monitoring locations are being monitored and regular reports, from the acoustic consultant or other people charged with monitoring the noise, are taking place. The event organiser should be informed of any problems without delay and these should be addressed as soon as possible by the event organiser	
Ensure the event is complying with all noise guidelines or any pre-agreed sound levels	
Respond to any noise complaints in a polite and professional way and take them seriously: <ul style="list-style-type: none"> • Make a note of the caller's name, address and contact details • Advise the caller their complaint will be investigated • Take measurements of the noise levels outside the complainant's property, or as close as possible • Take appropriate action to deal with any noise • Advise the complainant what has been done to resolve their complaint • Make a note of all actions undertaken 	
Ensure the event finishes at the required time	
After the Event	✓
Request a noise report from the person responsible for undertaking noise recordings and ensure a copy is emailed to the Council's Environmental Protection Team	
Arrange a de-brief meeting with key people, including the responsible authorities	

Appendix 3

Glossary of Possible Noise Licensing Conditions

As a result of any Premises Licence application the Licensing Team may seek to apply conditions controlling the hours and noise levels at the event. You may also want to include one or more of the following conditions in your operating schedule where applicable.

- All amplified music in an outside marquee or in the open air shall finish no later than (*) hrs.

- Rehearsals and sound checks are permitted only between the following hours: (*) hrs to (*) hrs.
- Music from the concert or event is permitted only between the following hours: (*) hrs to (*) hrs.
- Music from other sources (e.g. food traders, fairground rides) is permitted only between the following hours: (*) hrs to (*) hrs.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not at any noise sensitive premises exceed (*)dB(A) over a fifteen minute period throughout the duration of the concert or event.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not exceed the background noise level by 15dB(A) over a fifteen minute period throughout the duration of the concert or event at any noise sensitive premises.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not at any noise sensitive premises exceed (*)dB(A) over a fifteen minute period throughout the duration of any rehearsal or sound check for the concert or event.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not at any noise sensitive premises exceed the background noise level by 15dB(A) over a fifteen minute period throughout the duration of any rehearsal or sound check for the concert or event.
- The control limits set at the mixer position shall be adequate to ensure that the 63Hz and 125Hz octave frequency bands do not exceed 75dB throughout the duration of the concert or event.
- The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the requirements of the Council's Environmental Protection Team.
- The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Council's Environmental Protection Team regarding noise levels are complied with.
- Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Council's Environmental Protection Team for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
- All complaints about noise received by the site office / event organiser shall be logged and shall be notified to the Council's Environmental Protection team within [*] minutes of the complaint being received.

- The Event Organiser shall have full control over traders or other organisations on site where there is amplified music being played. At the request of the Council's Environmental Protection team the Event Organiser shall arrange for the volume to be reduced or the playing to cease, or if necessary the equipment to be confiscated.
- All noise monitoring as required shall be conducted by a suitably qualified and experienced Noise Consultant appointed by the Event Organiser.
- The appointed Noise Consultant/named person shall be delegated the responsibility of noise control during a concert and during sound tests. The person shall control the sound levels at the mixer throughout the period of the concert and ensure that the agreed levels are not exceeded.
- The Event Organiser shall ensure that the noise consultant shall maintain satisfactory levels of communication with the Council's Environmental Protection Team at all times and shall advise the sound engineer accordingly to ensure the noise limits are not exceeded.
- The Event Organiser will be required to carry out a sound propagation test prior to the event to determine a sound level at the sound mixer position which is required to achieve the external noise limits at residential properties. The Event Organiser shall agree the maximum level at the mixer position with the Council's Environmental Protection Team.
- During music events noise levels shall be continuously monitored using a sound level meter located at the mixer position by the appointed Noise Consultant.
- The Event Organiser shall ensure that the Council's Environmental Protection Team is provided with the results of the noise monitoring in a readily accessible format (e.g. pdf, Spreadsheet, Word document or any other format agreed with the Environmental Protection Team) at any time upon request.
- Pre-event information, including but not limited to when sound checks may be conducted, the times of the performance and a complaint hotline will be communicated to local residents and business premises at least 2 weeks prior to the first day of the event/concert.
- The Event Organiser will submit a Noise Management Plan at least (*) weeks/months before the event to the Council's Environmental Protection Team for approval.

Appendix 4 – Acoustic Definitions

dB(A)	The A-weighted sound pressure level whereby various frequency components of sound are weighted (equalized) to reflect the way the human ear responds to different frequencies.
L_{Aeq}	The equivalent continuous noise level which at a given location

	and over a given period of time contains the same A-weighted sound energy as the fluctuating noise at the same location over the same period.
$L_{A90, T}$	The A-weighted sound pressure level exceeded for 90% of the measuring period (T).
Background Noise Level	The prevailing sound level at a location, measured in terms of the $L_{A90, T}$ on an equivalent day and at an equivalent time when no concert or sound checks are taking place.
Mixer	The location where the main sound system is controlled. As well as ensuring the correct sound balance between the various performers, the overall level of sound for the audience is controlled at this location.
Delay Tower	An additional set of loudspeakers employed to provide a better spread of sound to the audience.
Music noise	The noise from the music and vocals during a concert or sound checks and not affected by other local noise sources.
Music Noise Level	The $L_{Aeq, T}$ of the music noise measured at a particular location.
Noise Consultant	A person given responsibility by the organiser of the event for monitoring noise levels in accordance with the prevailing conditions, and who has the ability and authority to make decisions and implement changes in noise level during the event.
Noise sensitive receptor	Includes premises used for residential purposes, hospitals or similar institutions, education establishments (when in use), or places of worship (during recognised times and days of worship) or any premises used for any other purpose likely to be affected by the Music Noise.
Sound engineer	Person employed to control the sound quality of the music for the audience.

Acknowledgements

Cheshire East Council would like to acknowledge the work of Manchester City Council, Trafford Borough Council and Bath and Northeast Somerset Council in relation to the control of noise at outdoor events, in the preparation of this document and the guidance within.