

**Manchester City Council  
Report for Information**

**Report To:** Licensing Committee – 11 January 2016

**Subject:** Licensing Update

**Report of:** Head of Planning, Building Control & Licensing

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**Summary**

The report provides the Licensing Committee with a brief overview of topical information relevant to premises licensing functions of the licensing authority.

**Recommendations**

That Members note the report.

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**Wards Affected:**

All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Licensing plays a key strategic role in ensuring the sustainable economic growth and transformation of the city, whilst also ensuring the city is clean and safe. Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
Reaching full potential in education and employment	
Individual and collective self esteem – mutual respect	
Neighbourhoods of Choice	Licensing plays a key strategic role in ensuring that appropriate safeguards are in place for our communities.

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**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Background documents (available for public inspection):**

Copies of these documents are available up to 4 years after the date of the meeting.  
If you would like a copy please contact one of the contact officers above.

Licensing Act 2003  
Deregulation Act 2015  
MCC Statement of Licensing Policy 2016-21

## **1.0 Introduction**

- 1.1 The report provides the Licensing Committee with a brief overview of topical information relevant to premises licensing functions of the licensing authority.

## **2.0 New deregulation provisions effective from 1 January 2016**

- 2.1 With effect from 1 January 2016, the permitted number of Temporary Event Notices that can be held at a single premises has increased from 12 to 15 per calendar year.

## **3.0 Revised Statement of Licensing Policy under Licensing Act 2003**

- 3.1 The revised policy came into effect on 4 January 2016.
- 3.2 The policy is the key document that sets out how the council, as the licensing authority, will exercise its licensing functions locally.
- 3.3 The authority must carry out its licensing functions with a view to promoting the four licensing objectives and, in doing so, must also have regard to the policy as well as the statutory guidance (known as the 's182 Guidance') issued by the Secretary of State.
- 3.4 A copy of the policy will be circulated to all members of the committee.
- 3.5 Part of Section 4 of the policy is reproduced below, which sets out a guide to the general approach to the role of the policy:

*"Every application will be treated in accordance with the Act, the S182 guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy and the potential impact upon the licensing objectives relevant to them. The Licensing Policy is applicable to all premises providing any licensable activity, and it is important that all premises have regard to it.*

*All applications for a new premises licence or variations need to be supported by an operating schedule. The schedule must specify (among other things) the steps which the applicant proposes to take to promote each of the licensing objectives.*

*If a responsible authority or other person lodges an objection, (known as a 'relevant representation') against an application, then a hearing before a licensing sub-committee will normally follow. In exercising its discretion, the licensing sub-committee will have regard (amongst other things) to this policy. Therefore, applicants are expected to take this licensing policy carefully into account when preparing their operating schedule. The policy represents the licensing authority's view of the best means of promoting the licensing objectives in most normal cases. It has been drawn up in consultation with*

*other expert bodies and responsible authorities, together with community stakeholders, and so when an operating schedule complies with the policy it is generally less likely that a responsible authority or other person will object to it, or that any objection will succeed. Therefore, compliance with the policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted licence conditions.*

*This is not to say that an opposed application that complies with the policy will necessarily be granted or that an opposed application that does not comply with it will necessarily be refused. Where there have been relevant representations, the licence authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, appropriate to promote the licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. So, for example, the licensing authority will not interfere with an operating schedule that does not comply with this policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.*

*In this policy, there are a number of references to the licensing authority's expectations of applicants. As explained above, the policy is only engaged where the licensing authority has a discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.*

*Further, the licensing authority may use this policy when exercising their licensing functions. For example, when considering an application for review of a licence, the licensing authority is likely to view with concern premises that are being operated in clear breach of the terms of this policy."*

- 3.6 As the above extract states, the policy provides a number of expectations of the licensing authority. In summary, these are set out below.
- 3.7 Section 6 of the policy provides a range of licensed premises and initiatives we aim to encourage in order to help positively develop the leisure and night time economy in Manchester.
- 3.8 To ensure that licensed premises are an asset to their locality, the policy set out a range of key issues at Section 7 (Local Factors) that applicants are expected to take into account relevant to the individual characteristics of the premises and locality when preparing their operating schedule, particularly when considering appropriate activities, hours and operating standards for the premises.

- 3.9 We aim to promote high standards of operation at licensed premises in Manchester and have set these out at Section 8 (Manchester Standards to promote the licensing objectives). These represent the practical steps and requirements expected of premises to ensure they operate in a manner that would promote the licensing objectives. In turn, these would normally be imposed as appropriate conditions on the licence.
- 3.10 We have set out specific considerations relevant to Alcohol Delivery Services (Section 9), the provision of adult entertainment at premises (Section 10) and external areas licensed to place tables and chairs on the public highway (Section 11).
- 3.11 Section 12 provides specific considerations relevant to the holding of large scale public events e.g. festivals and concerts, to ensure their delivery in accordance with the licensing objectives.
- 3.12 Section 13 provides information about personal licences; required to authorise sales of alcohol, and Section 14 details the temporary event notice (TEN) process authorising licensable activities on a temporary basis in the absence of a licence. Section 15 deals with designated premises supervisors; who must be in place for licensed premises in order to permit the sale of alcohol.
- 3.13 Members are asked to familiarise themselves with the policy to ensure that it is taken into account in the determination of licence applications.

#### **4.0 Contributing to the Community Strategy**

##### **4.1 Performance of the economy of the region and sub region**

Licensing plays a key strategic role in ensuring the sustainable economic growth and transformation of the city, whilst also ensuring the city is clean and safe. Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.

##### **4.2 Reaching full potential in education and employment**

##### **4.3 Individual and collective self esteem – mutual respect**

##### **4.4 Neighbourhoods of Choice**

Licensing plays a key strategic role in ensuring that appropriate safeguards are in place for our communities.

#### **5.0 Key Policies and Considerations**

- 5.1 The report deals with the Council's Statement of Policy under the Licensing Act 2003.

## **6.0 Conclusion**

- 6.1 The report provides information to the Committee on current issues relevant to premises licensing. It is envisaged that the availability of this information will assist decision making and local policy formation in respect of licensing issues.
- 6.2 The Committee is asked to note the report.