

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 18 July 2016
Subject: Licensing Update
Report of: Head of Planning, Building Control & Licensing

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.

That Members request officers prepare a response to the House of Lords review of the Licensing Act 2003

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

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Danielle Doyle
Position: Licensing Unit Manager
Telephone: 0161 234 4962
E-mail: d.doyle@manchester.gov.uk

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: f.swift@manchester.gov.uk

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
Psychoactive Substances Act 2016
Immigration Act 2016

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 'Legal highs' now banned

- 2.1 With effect from 26 May 2016, it is now an offence under the Psychoactive Substances Act 2016 to sell or supply so-called 'legal highs'. These are both new substances that mimic the effects of traditional controlled drugs such as cannabis, cocaine, amphetamine and MDMA (ecstasy), but also includes other substances that have been used as intoxicants for many years, e.g. nitrous oxide.
- 2.2 The Act creates criminal offences covering the supply of a psychoactive substance. These will apply across the UK including:
- producing a psychoactive substance (found in section 4 of the act)
 - supplying, or offering to supply, a psychoactive substance (section 5)
 - possession of a psychoactive substance with intent to supply it (section 7)
 - importing or exporting a psychoactive substance (section 8)
 - possessing a psychoactive substance in a custodial institution (section 9)
- 2.3 The Misuse of Drugs Act 1971 will continue to be the main drug legislation in the UK. The 1971 act controls over 500 psychoactive substances as well as other harmful drugs, e.g. heroin and cocaine.

3.0 New illegal working licensing powers

- 3.1 The Immigration Act 2016 gained Royal Assent in May although no date has been set for its implementation. The act introduces new requirements aimed at eradicating immigration related offences in the workplace and sets out a number of changes that will impact on licensing. These include:
- An individual will not be able to apply for a premises licence or a personal licence unless they are entitled to work in the UK, nor will they be able to apply to transfer a premises licence.
 - The Secretary of State shall become a responsible authority where the licence proposes to sell alcohol or provide late night refreshment.
 - A premises licence will lapse if the licence holder ceases to be entitled to work in the UK.
 - A new power for the Secretary of State to serve an "immigration objection notice" on a licensing authority if they are satisfied granting a licence would "be prejudicial to the prevention of illegal work in licensed premises".
 - New offences for personal licence holders relating to immigration and foreign offences and penalties.

- New powers of entry entitling immigration officers to enter licensed premises (selling alcohol or providing late night refreshment) to view whether immigration offences are being committed in connection with carrying on licensable activities.
- Closure powers available to immigration officers in circumstances principally due to the presence of illegal workers at the premises.

4.0 Select Committee to review Licensing Act 2003

- 4.1 A House of Lords Select Committee has been set up with the task of conducting post-legislative scrutiny of the Licensing Act 2003 and its subsequent developments.
- 4.2 The Committee has issued a public call (Appendix 1) to anyone with an interest in the Licensing Act 2003 to submit their views on whether the Act has achieved its original intentions, as well as the following specific issues:

Licensing objectives

1. Are the existing four licensing objectives the right ones for licensing authorities to promote? Should the protection of health and wellbeing be an additional objective?
2. Should the policies of licensing authorities do more to facilitate the enjoyment by the public of all licensable activities? Should access to and enjoyment of licensable activities by the public, including community activities, be an additional licensing objective? Should there be any other additional objectives?

The balance between rights and responsibilities

3. Has the Live Music Act 2012 done enough to relax the provisions of the Licensing Act 2003 where they imposed unnecessarily strict requirements? Are the introductions of late night levies and Early Morning Restriction Orders effective, and if not, what alternatives are there? Does the Licensing Act now achieve the right balance between the rights of those who wish to sell alcohol and provide entertainment and the rights of those who wish to object?
4. Do all the responsible authorities (such as Planning, and Health & Safety), who all have other regulatory powers, engage effectively in the licensing regime, and if not, what could be done? Do other stakeholders, including local communities, engage effectively in the licensing regime, and if not, what could be done?

Licensing and local strategy

5. Licensing is only one part of the strategy that local government has to shape its communities. The Government states that the Act “is being used effectively in conjunction with other interventions as part of a coherent national and local strategy.” Do you agree?

6. Should licensing policy and planning policy be integrated more closely to shape local areas and address the proliferation of licensed premises? How could it be done?

Crime, disorder and public safety

7. Are the subsequent amendments made by policing legislation achieving their objectives? Do they give the police the powers they need to prevent crime and disorder and promote the licensing objectives generally? Are police adequately trained to use their powers effectively and appropriately?
8. Should sales of alcohol airside at international airports continue to be exempt from the application of the Act? Should sales on other forms of transport continue to be exempt?

Licensing procedure

9. The Act was intended to simplify licensing procedure; instead it has become increasingly complex. What could be done to simplify the procedure?
10. What could be done to improve the appeal procedure, including listing and costs? Should appeal decisions be reported to promote consistency? Is there a case for a further appeal to the Crown Court? Is there a role for formal mediation in the appeal process?

Sale of alcohol for consumption at home (the off-trade)

11. Given the increase in off-trade sales, including online sales, is there a case for reform of the licensing regime applying to the off-trade? How effectively does the regime control supermarkets and large retailers, under-age sales, and delivery services? Should the law be amended to allow licensing authorities more specific control over off-trade sales of “super-strength” alcohol?

Pricing

12. Should alcohol pricing and taxation be used as a form of control, and if so, how? Should the Government introduce minimum unit pricing in England? Does the evidence that MUP would be effective need to be “conclusive” before MUP could be introduced, or can the effect of MUP be gauged only after its introduction?

Fees and costs associated with the Licensing Act 2003

13. Do licence fees need to be set at national level? Should London, and the other major cities to which the Government proposes to devolve greater powers, have the power to set their own licence fees?

International comparisons

14. Is there a correlation between the strictness of the regulatory regime in other countries and the level of alcohol abuse? Are there aspects of the licensing laws of other countries, and other UK jurisdictions, that might usefully be considered for England and Wales?”

- 4.3 The deadline for written submissions is 2 September 2016 and the Committee must report back to the House of Lords by 31 March 2017.

5.0 Gamble Aware Week, 18-23 July 2016

- 5.1 Gamble Aware Week will take place in betting shops across the country from Monday 18 July to Saturday 23 July. Alongside the Association of British Bookmaker's members, which include William Hill, Ladbrokes, Coral, Paddy Power and almost 100 smaller independent bookmakers, online-only operator Skybet will be participating.
- 5.2 It is the second Gamble Aware Week following its inception in 2015, and this year's will focus on raising awareness of the responsible gambling measures already in place as well as coincide with the launch of revised responsible gambling messaging in betting shops.
- 5.3 New responsible gambling messages will be placed prominently on gaming machine top screens - developed in consultation with problem gambling experts - and customers will be subject to more frequent reminders about how much money or time they have spent, acting as a break in play and helping players stay in control. The new thresholds for these reminders will be for every 20 minutes spent playing or £150 added to the machine (previously every 30 minutes spent playing or £250 added, respectively).
- 5.4 In addition to promotional material inside shops, all window advertising in betting shops will be replaced with eye-catching and bold responsible gambling posters, and this year's Gamble Aware Week will also involve strong online promotion by operators with the support of The Senet Group – the independently chaired body created to enforce responsible gambling standards.
- 5.5 Manchester is one of three cities, alongside Glasgow and Cardiff, that will be providing local drop in sessions as part of Gamble Aware Week to raise awareness of the free local counselling that can be accessed via GamCare's National Gambling Helpline. Beacon Counselling Trust; commissioned by Gamcare to deliver problem gambling treatment in Manchester, shall be locating staff in the Customer Service Centre in the Town Hall Extension during Gamble Aware Week to provide a public drop-in session enabling people to access immediate support and advice. Information on the service will be available in betting shops in Manchester and promoted by staff, with customers encouraged to visit the drop in centre to find out more about the free counselling available.
- 5.6 Also as part of Gamble Aware Week, Neil Platt from Beacon will be delivering two public briefing sessions at Manchester Town Hall to staff from gambling premises, as well as the council and relevant partner agencies, to develop their understanding of problem gambling and improve the delivery of front-line support. The sessions will take place between 1pm and 4pm on Monday 18 July and 10am and 1pm on Wednesday 20 July.

6.0 Contributing to the Community Strategy

6.1 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.

6.2 Reaching full potential in education and employment

6.3 Individual and collective self esteem – mutual respect

6.4 Neighbourhoods of Choice

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

7.0 Key Policies and Considerations

7.1 None.

8.0 Conclusion

8.1 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.

8.2 The Committee is asked to :

8.2.1 Note the report;

8.2.2 Request officers to prepare a response to the House of Lords review of the Licensing Act 2003 set out in Section 4 of the report; and

8.2.3 Note support for Gamble Aware Week.



SELECT COMMITTEE ON THE LICENSING ACT 2003

The Select Committee on the Licensing Act 2003 was set up on 25 May 2016 with the task of conducting post-legislative scrutiny of that Act. The Committee will be looking at the provisions of the Act, in its original form and with its subsequent amendments, at its implementation, and at related developments. The Committee has to report by 31 March 2017.

This is a public call for written evidence to be submitted to the Committee. The deadline is 2 September 2016.

It is helpful if opinions are supported by factual and statistical evidence where appropriate.

The Committee would welcome evidence from anyone with an interest in the operation of the Licensing Act 2003. Information on how to submit evidence is set out below. If you have any questions or require adjustments to enable you to respond please contact the Committee team: details also below.

The Licensing Act 2003 was intended to provide a means of balancing the broad range of interests engaged by licensing decisions – those of the entertainment and alcohol industries, small and large businesses, local residents and communities, policing, public health, and the protection of children from harm. Decision making under the Act was expected to balance these interests for the public benefit, rather than identify a ‘winning’ or ‘losing’ side. The Government said:

“Our approach is to provide greater freedom and flexibility for the hospitality and leisure industry. This will allow it to offer consumers greater freedom of choice. But these broader freedoms are carefully and necessarily balanced by tougher powers for the police, the courts and the licensing authority to deal in an uncompromising way with anyone trying to exploit these greater freedoms against the interest of the public in general.”

The Committee would welcome general views on whether the Act has achieved these objects. It would in particular welcome views on the following issues. **You need not address all these questions.**

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International comparisons

14. Is there a correlation between the strictness of the regulatory regime in other countries and the level of alcohol abuse? Are there aspects of the licensing laws of other countries, and other UK jurisdictions, that might usefully be considered for England and Wales?

¹ The *sub judice* rule, referred to on the following page, means that witnesses should not comment on the latest stages of *Scotch Whisky Association and others v The Lord Advocate and the Advocate General for Scotland*, currently before the Inner House of the Court of Session. Comment on earlier stages of the proceedings, up to and including the judgment of the Court of Justice of the European Union, is permissible.

Written evidence should be submitted online using the written submission form available at <http://www.parliament.uk/licensing-act-committee-written-submission-form>

If you do not have access to a computer you may submit a paper copy to:

Clerk to the Select Committee on the Licensing Act 2003
Committee Office, House of Lords, London SW1A 0PW
fax 020 7219 4931.

The deadline for written evidence is 2 September 2016.

Short, concise submissions, of no more than six pages, are preferred. A longer submission should include a one-page summary. Paragraphs should be numbered. Submissions should be dated, with a note of the author's name, and of whether the author is acting on an individual or corporate basis. All submissions made through the written submission form will be acknowledged automatically by email.

Personal contact details supplied to the Committee will be removed from submissions before publication but will be retained by the Committee staff for specific purposes relating to the Committee's work, such as seeking additional information.

Submissions become the property of the Committee which will decide whether to accept them as evidence. Evidence may be published by the Committee at any stage. It will normally appear on the Committee's website and will be deposited in the Parliamentary Archives. Once you have received acknowledgement that your submission has been accepted as evidence, you may publicise or publish it yourself, but in doing so you must indicate that it was prepared for the Committee. If you publish your evidence separately, you should be aware that you will be legally responsible for its content.

You should be careful not to comment on individual cases currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the Clerk of the Committee how this might affect your submission.

Certain individuals and organisations may be invited to appear in person before the Committee to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast in audio and online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the Committee about the inquiry should be addressed through the Clerk, whether or not they are intended to constitute formal evidence to the Committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy direct.

You can follow the progress of the inquiry at www.parliament.uk/licensing-act-committee

30 June 2016