

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 4 December 2017
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.

Wards Affected:

All

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	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.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives; in relation to the Licensing Act these are the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.

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

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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.

The government response to the report from the House of Lords Select Committee on the Licensing Act 2003 - Home Office
House of Lords Select Committee on the Licensing Act 2003, Report of Session 2016–17, The Licensing Act 2003: post-legislative scrutiny, 4 April 2017

Draft special policy for the Ancoats and New Islington Development Framework area - Report to the Licensing Policy Committee, 21 September 2017

Consultation on proposals for changes to Gaming Machines and Social Responsibility Measures, October 2017 – Department for Digital, Culture, Media and Sport

1. 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 Government publishes response to response to House of Lords report

2.1 On 6 November 2017, the Government published its response to the report from the House of Lords Select Committee on their post-legislative scrutiny on the Licensing Act 2003.

2.2 The Committee will recall that the Select Committee recommended a radical overhaul of the Act, including the transfer of licensing functions to planning committees, changes to the appeal system, and potential repeal of EMROs and Late Night Levies.

2.3 In general, the Government responded to reject many of the most significant recommendations, as summarised below.

2.4 In rejecting the proposed transfer of licensing functions to Planning Committees, the Government advised that they are instead “focusing on improving training and providing stronger guidance on how licensing hearings should be conducted. The basic structures of the planning and licensing system are similar and our focus will be on improving how the two regimes communicate and interact at local level“.

2.5 Licensing appeals will remain with the Magistrates.

2.6 Applications will still be required to be advertised in local newspapers.

2.7 A disabled facilities and access statement will not be required to be submitted as part of a licence application.

2.8 Licensing authorities will not be given ability to object to Temporary Event Notices.

2.9 The licensing measures that apply to the Off Trade in Scotland will not be introduced to England and Wales i.e.

- Restrictions on multi-pack pricing, which prevent any form of multi- buy offer relating to alcohol;
- A ban on ‘buy one, get one free’ offers, or any other offer including free alcohol;
- Restrictions on the advertising of drinks promotions, restricting them to specific designated alcohol display areas in off-licence premises;
- A requirement that all premises introduce a ‘Challenge 25’ policy as standard.

- 2.10 There will be no changes to the Summary Review process.
- 2.11 Changes to licensing fees will not be brought in at this stage but will be reconsidered in the future.
- 2.12 There will be no substantial changes to the current licensing committee procedures.
- 2.13 The Government will be carrying out further engagement to assess the potential for licensing alcohol sales at airports.
- 2.14 The Government is considering the future of Community and Ancillary Sellers Notices.
- 2.15 The Government will introduce an 'Agent of Change' principle in the revised section 182 guidance "to help protect both licensed premises and local residents from consequences arising from any new built development in their nearby vicinity."
- 2.16 The provisions introduced by the Police and Crime Act 2017 to put Cumulative Impact Policies on a statutory footing in order to provide greater clarity, transparency and legal certainty about their use, will now be commenced at the next available opportunity.
- 2.17 EMROs (Early Morning Restriction Orders) will not be repealed.
- 2.18 The amendments to the late night levy as set out in the Policing and Crime Act 2017 will now be brought in to:
- Allow licensing authorities to target the levy in geographical areas where the night time economy places demands on policing;
 - Give licensing authorities the power to charge premises licensed to sell late night refreshment the levy;
 - Give PCCs the right to formally request that a licensing authority propose a levy triggering a consultation on whether to introduce a levy; and,
 - Require licensing authorities to publish information about how the revenue raised from the levy is spent.
- 2.19 However, the Government will not commence the measure to allow licensing authorities to charge the levy to late night refreshment premises until it has consulted on the level of charge appropriate for these premises.
- 2.20 The current 70/30 split of levy revenue between the police and licensing authority will remain.
- 2.21 The Government will also ensure that the late night levy complies with the EU Services Directive before taking any further action in relation to it.

3.0 Proposed special policy for Ancoats and New Islington

3.1 The public consultation on the draft special policy proposing a terminal hour of 11pm for licensable activities in the area commenced on 6 November and will run for 12 weeks until 29 January 2018.

3.2 The consultation is available on the Council's website at www.manchester.gov.uk/consultations.

4.0 Supreme Court rules on minimum unit price for alcohol in Scotland

4.1 The UK Supreme Court has rejected the challenge from the Scottish Whisky Association (SWA) against Scottish Parliament's proposal to set a minimum unit price for alcohol.

4.2 Scotland brought in legislation back in 2012 to implement a minimum unit price for alcohol to reduce alcohol-related health problems in Scotland by targeting the cheap, high-strength alcohol consumed by the heaviest and highest-risk drinkers. Conversely, the SWA, with support from the European drinks industry, had argued that minimum pricing breached EU and global trade law as it interfered with free trade and open borders regulations.

4.3 In its judgement handed down on 15 November, the Court rejected the challenge and ruled that the measure was a "proportionate means of achieving a legitimate aim".

4.4 It is expected that the minimum unit price of 50p per unit will be implemented in Scotland sometime next year, making Scotland the first country in the world to implement such a measure.

4.5 Lobbying for the introduction of a minimum unit price is one of the four priorities of the current Greater Manchester Alcohol Strategy. The government has stated that minimum unit pricing remains under review and that it will consider the evidence of its impact in Scotland when available.

5.0 Government consultation on reducing FOBT stakes

5.1 The Government has launched a 12-week consultation on reducing the maximum stake for B2 gaming machines, commonly referred to as Fixed Odds Betting Terminals (FOBTs), which are located in betting shops.

5.2 The Department for Digital, Culture, Media & Sport is seeking views on a range of options on cutting maximum stakes from £100 to between £50 and £2 stating that it is necessary "... to reduce the potential for large losses on the machines and the risk of harm to both the player and wider communities in which these machines are located, such as the increased health costs associated with problem gambling."

5.3 In addition to the consultation, there will be a package of measures taking effect to strengthen protections around online gambling and gambling advertising to further minimise the risk to vulnerable people and children:

- Raising standards of player protection for online gambling - The Gambling Commission will consult on changes to the Licence Conditions and Codes of Practice next year, with the aim of raising standards on player protection online and will set out expectations to the industry around customer interaction online.
- Responsible gambling campaign - GambleAware, Advertising Association, broadcasters and gambling industry groups will come together to draw up a major two year responsible gambling advertising campaign. The campaign will have a budget of £5 to £7 million per year and will include TV adverts, including around live sport, as well as radio, cinema, online and print. The campaign will be funded by gambling operators, including online-only betting firms, with airspace and digital media provided by broadcasters.
- New advertising guidelines - This will be drawn up by the Committees of Advertising Practice (CAP) to help protect those at risk of problem gambling and children and young people by ensuring that the content of gambling adverts does not encourage impulsive or socially irresponsible gambling.
- Strengthening the code on responsible gambling advertising - The Industry Group for Responsible Gambling (IGRG) are strengthening the code on responsible gambling advertising to require operators to ensure gambling content and channels cannot be accessed by under-18s via social media
- Responsible gambling initiatives - Gambling operators should step up on funding for research, education and treatment. If not, government will consider other options, including introducing a mandatory levy on gambling operators.

5.4 The consultation closes on 23 January 2018.

6.0 Contributing to the Community Strategy

6.1 A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities

6.1.1 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 A highly skilled city: world class and home grown talent sustaining the city's economic success

6.2.1 An effective Licensing Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives

6.3 A progressive and equitable city: making a positive contribution by unlocking the potential of our communities

6.3.1 The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives; in relation to the Licensing Act these are the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

6.4 A liveable and low carbon city: a destination of choice to live, visit and work.

6.4.1 An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

6.5 A connected city: world class infrastructure and connectivity to drive growth

6.5.1 Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.

7.0 Key Policies and Considerations

7.1 The report deals with matters that could impact on the Council's policy statements under the Licensing Act 2003.

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 note the report.