

**Manchester City Council
Report for Resolution**

Report To: Licensing Policy Committee - 23 July 2010
Subject: Revised Licensing Act Policy 2011 – 2014
Report of: Head of Street Management and Enforcement

Summary

To present for approval by the Committee:

- a) The draft statement of the revised Statement of Licensing Policy under the Licensing Act 2003, and
- b) The proposed method of consultation for the draft policy.

Recommendations

1. To agree the attached draft revised statement of policy be consulted on.
 2. To request officers to consult the statutory consultees and other appropriate persons in accordance with the proposed consultation strategy.
 3. To request officers to bring a further report to the Committee following that consultation, detailing any consultation responses and any consequential proposed amendments to the draft policy.
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Wards Affected:

City-wide

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The Licensing Policy plays an essential role in establishing the standards to which licensed premises are expected to operate. The policy will ensure that only premises that are well-run and appropriate to the nature of the surrounding neighbourhood are licensed thereby positively contributing 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	The Licensing Policy provides a framework for the operation of licensed premises throughout Manchester. The Policy is the guide to all parties involved in the licensing process advising how Manchester City Council, in its role as the Licensing Authority, intends to exercise its licensing function. The Licensing Act 2003 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.

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: Fiona Sharkey
Position: Head of Regulatory and Enforcement Services
Telephone: 0161 234 1599
E-mail: f.sharkey@manchester.gov.uk

Name: Jenette Hicks
Position: Licensing Unit Manager

Telephone: 0161 234 4962
E-mail: j.hicks1@manchester.gov.uk

Name: Fraser Swift
Position: Principal Licensing Officer
(Premises)

Telephone: 0161 234 1176
E-mail: f.swift@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background 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.

Manchester City Council Licensing Policy 2008-2011
Licensing Act 2003
Guidance issued under section 182 of the Licensing Act 2003

1 Introduction

- 1.1 The Licensing Act 2003 came into effect on 24 November 2005. It covers the following licensable activities:
- Sale or supply of alcohol
 - Provision of regulated entertainment
 - Provision of facilities for regulated entertainment
 - Provision of late night refreshment
- 1.2 The Act requires each Licensing Authority to publish a statement of licensing policy to show how it intends to achieve the four licensing objectives:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm.
- 1.3 Members will be aware that our licensing policy is a statutory consideration in the determination of all licensing applications where representations are received.
- 1.4 The original statement of Licensing Act Policy took effect on 7 January 2005 and was subsequently revised in January 2008.
- 1.5 Under section 5 of the Act, the Licensing Authority is required to revise its licensing policy at least every three years, although the Licensing Authority is able to revise the policy at any other time when a review is deemed necessary.

2 Amendments to our original Licensing Act policy

- 2.1 Our statement of Licensing Act policy allows us to outline the Council's considerations in the determination of applications where representations are received. The draft revised statement of Licensing Act policy is included in Appendix A.
- 2.2 With this revision, the Statement of Licensing Policy has been entirely re-written to become a more comprehensive, practical and clearer guide to how Manchester will exercise its licensing functions under the 2003 Act. The revised policy is based upon a variety of best practice, input from Responsible Authorities, ongoing feedback from trade and residents in Manchester on the operation of the current policy, practical experience, as well as statistical data.
- 2.3 Regard has been had to key, related Council strategies to ensure the Licensing Policy complements and supports them in order to achieve the City's goals.

- 2.4 The principal revision of the Licensing Policy is that it is built around 5 “Key Factors”, which are considered the primary issues the Licensing Authority will have regard to. These Key Factors are:
- What We Aim to Encourage
 - Hours for Licensed Premises
 - The Location of Licensed Premises
 - Standards to Promote the Licensing Objectives
 - Off Sales of Alcohol
- 2.5 Through this combination of Factors, the Policy sets out the vision for licensed premises in Manchester. A key aim is to move away from youth-oriented, alcohol-dominated premises and promote:
- Desirable destinations for a wide range of age groups
 - Licensed premises suitable for the neighbourhood within which they are located and which support the neighbourhood plan
 - Diversity of entertainment throughout the City which appeals to a wider audience
 - A wide range of uses of premises
- 2.6 By setting out this vision and the factors relevant to achieving it, the Policy outlines to licence applicants, responsible authorities, interested parties as well as the Licensing Committee and Magistrates (upon Appeal) how Manchester City Council, as the Licensing Authority, will exercise its licensing function.

3 Consultation Strategy

- 3.1 The Licensing Act 2003 requires us to consult with various groups before we determine our Licensing Act policy. Statutory consultees include:
- The chief officer of police for Manchester
 - The fire and rescue authority
 - Persons/bodies representative of local holders of premises licences
 - Persons/bodies representative of local holders of club premises certificates
 - Persons/bodies representative of local holders of personal licences and
 - Persons/bodies representative of local holders of businesses and residents in the licensing authority area
- 3.2 Above and beyond this, we intend to give the broadest range of people the opportunity to give us their views. We will therefore include:
- Interested parties throughout the City (ward members and ward coordinators will be informed)
 - All Responsible Authorities as named in the Licensing Act
 - Other experts in the promotion of the licensing objectives: those working with under 18s, crime and disorder, public nuisance or public safety
 - All premises providing licensable activities

- Trade Associations
 - Residents Associations/ Faith and community groups
- 3.3 Wherever possible we will write directly to these parties enclosing a series of questions to prompt responses. A copy of the proposed questions is attached at Appendix B.
- 3.4 We will also make copies of our policy and feedback forms available at public access points such as libraries as well as on our website at www.manchester.gov.uk/licensing/la2003.
- 3.5 An article shall be provided to the Communications Team for publication in relevant Council media.
- 3.6 The attached draft policy has been prepared for public consultation. Subject to approval by the Licensing Policy Committee a 12-week public consultation will start on 23 July and end on 15 October. The final policy taking account of consultation responses will then be presented to the Licensing Policy Committee in November and will then require the approval of full Council on 8 December 2010.

4 Conclusion

Recommendations

- 4.1 Members are asked to note the contents of the report and agree the draft policy attached and consultation strategy as outlined above.

5 Contributing to the Community Strategy

(a) Performance of the economy of the region and sub region

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, play an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.

(b) Reaching full potential in education and employment

(c) Individual and collective self esteem – mutual respect

(d) Neighbourhoods of Choice

The Licensing Policy provides a framework for the operation of licensed premises throughout Manchester. The Policy is the guide to all parties involved in the licensing process advising how Manchester City Council, in its role as the Licensing Authority, intends to exercise its licensing function. The Licensing Act 2003 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 Key Policies and Considerations

(a) Equal Opportunities

(b) Risk Management

(c) Legal Considerations

All applications have to be processed in accordance with the requirements of the legislation. The Licensing Act 2003 is prescriptive in terms of who should be consulted on applications, and the timescales which have to be applied.