

Licensing Policy Committee

Minutes of a meeting held on 2 November 2015

Acting under Delegated Powers

Present: Councillor Longsden (Chair).
Councillors Ludford and N. Murphy.

Also present: Councillors Dar, Grimshaw and Paul.

LPC/15/04 Minutes

Decision

To approve as a correct record the Minutes of the meeting held on 1 July 2015.

LPC/15/05 Revised Licensing Act Policy 2016 – 2021

The Committee considered the report of the Head of Planning, Building Control and Licensing. 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.

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.

The Committee had previously agreed a consultation strategy and accordingly the draft Policy had been sent for consultation.

The Principal Licensing Officer explained that a total of 9 responses were received during the consultation period. These included responses from local residents, a residents association, councillors, licensing solicitors, and the Council's Strategic Lead for Compliance and Community Safety.

These responses can be found at Appendix A of the report. A table has been put together setting out the responses as well as an explanation as to whether it is

proposed to amend the policy in light of the respective consultation responses. The responses by Kuits solicitors and the City Centre ward councillors were included in their original forms at Appendix B rather than copied into the table. A PowerPoint presentation submitted by the Fallowfield Community Guardians and South East Fallowfield Residents Group was also attached at Appendix B.

There was broad support for the draft policy, namely in respect of the proposed 'Local Factors' (which indicate relevant considerations when assessing the local risk arising from the impact of the premises) at Section 7 and 'Standards' (which set out the licensing authority's expectations of how premises should operate) at Section 8.

A respondent to the consultation addressed the Committee directly and although they broadly welcomed the revised Policy, they also outlined their concerns that the Policy was too liberal. They also expressed concern that the Policy did not address the issue of "legal highs" stimulating people to drink for longer. The respondent gave examples of Anti-Social Behaviour that they and their neighbours had experienced into the early hours of the morning, which they attributed to the night time economy.

There were also concerns raised that Temporary Event Notices (TEN) were excluded from the cumulative impact policy, and that only Greater Manchester Police were in a position to object to TEN applications.

The Principal Licensing Officer explained the regulatory framework that the Licensing authority must adhere to with regard to TEN applications, giving the reasons that objections to TEN could only be raised by GMP. The Principal Licensing Officer also pointed out aspects of the revised Policy that would address the concerns of the respondent as far as was practical.

Decision

1. To approve the proposed amendments
2. To submit the Policy to Full Council on 18 November 2015 with a recommendation that the policy be approved and adopted with effect from 4 January 2016.

LPC/15/06 Revised Gambling Act Policy 2016 – 2021

The Committee considered the report of the Head of Planning, Building Control and Licensing. On 1 July 2015, the Policy Committee considered a report seeking members' approval for consultation on the Council's draft revised Gambling Policy. The revision of the Policy is being undertaken in accordance with section 349 of the Gambling Act 2005 which requires Manchester City Council to prepare and publish a statement of the Principles it proposes to apply in exercising its functions as the licensing authority every 3 years. A 12-week public consultation exercise was undertaken from 3 July to 25 September.

The Principal Licensing Officer explained that only 1 response was received in reply to the consultation. The Committee expressed disappointment that only 1 reply had

been received, however this was a comprehensive response that raised a number of issues for consideration, which are detailed in the report.

Having regard to the response, it was proposed to remove references to preventing staff gambling as employment at gambling premises is not something that was identified in the Council's recently commissioned research into indicators of vulnerability to gambling related harm.

It was also proposed to remove reference to a financial contribution being expected from operators towards gambling research as it is recognised that the licensing authority cannot require or expect financial contributions from licensed premises for any scheme.

The issues raised in the response were noted but it was not considered that any further amendments to the policy were required with respect to them.

An elected member commented that despite the Trade being expected to assist with problem gambling, this assistance was rarely forthcoming which was disappointing. Comparisons were drawn between the reluctance of the Gambling Trade to engage with issues around problem Gambling and historical issues with the Alcohol Trade being reluctant to address the problem of the supply of alcopops where marketing was aimed at young people.

Decision

1. To approve the proposed amendments
2. To submit the Policy (as detailed in the report to the Committee) to Full Council on 18 November 2015 with a recommendation that the policy be approved and adopted with effect from 4 January 2016.

LPC/15/07 Private Hire and Hackney Carriage Driver Training

The Committee were made aware of the possibility of training being available for both new and existing Private Hire and Hackney Carriage Drivers with regard to the protection of vulnerable road users and passengers. The Committee agreed that this opportunity should be explored further.

An elected member queried whether the Licensing Unit accepted reports from members of the public about bad driving on the part of Private Hire and Hackney Carriage Drivers, as some elected members had been informed that there was a policy that reports could only come from compliance officers or other responsible authorities. The Head of Planning, Building Control and Licensing, assured the Committee that reports or complaints of bad driving were accepted from all sources, including members of the public.

The Committee requested that a report be submitted to the Licensing and Appeals Committee to address the concern that reports of bad driving were not being accepted from members of the public.

Decision

1. To request that the possibility of training in the protection of vulnerable road users and passengers be explored for all Private Hire and Hackney Carriage Drivers.
2. To request that the Principal Licensing Officer (Taxi Licensing) provide a report to the Licensing and Appeals Committee to investigate whether there are barriers or misunderstandings in relation to members of the public reporting bad driving or making complaints about Private Hire and Hackney Carriage Drivers.