

**Manchester City Council
Report for Information**

Report to: Neighbourhoods and Environment Scrutiny Committee – 6
September 2017

Subject: Licensing and Out Of Hours Service

Report of: The Deputy Chief Executive (Growth and Neighbourhoods)

Summary

This report provides an update on the work of the Licensing & Out of Hours Service.

Recommendations

To consider and comment on the information provided in the report.

Wards Affected: All

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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	Vibrant, compliant and successful licensed premises contribute to the growth of the city and its night time economy. Licensable activities taking place without the required licence undermines compliant businesses and causes concern to residents.
A highly skilled city: world class and home grown talent sustaining the city's economic success	Addressing premises carrying out unlicensed activity supports compliant businesses that positively contribute to the city's economic success.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Working in partnership with key stakeholders to engage with and respond to the concerns of local communities.
A liveable and low carbon city: a destination of choice to live, visit, work	Addressing nuisance issues to support individuals to live in successful neighbourhoods. Ensuring a safe and compliant night time economy to sustain the city as a destination of choice. Creating places where people want to live and stay.

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.

None

1.0 Introduction

This report provides the committee with an update on the activity of the Licensing and Out of Hours Compliance Team.

2.0 Background

- 2.1 The Licensing and Out of Hours Service was established as part of the Neighbourhood Services Redesign which came into effect in January 2016. A key aim of the service is to provide a staffing resource that is available to address those issues that arise outside of standard Monday to Friday 9-5 working hours and to do so in such a way that enables continuity where issues that arise during the day also impact at night or weekends e.g. domestic and commercial noise; construction noise; street issues such as pedlars and buskers and the operation of licensed premises such as bars, restaurants and late night takeaways. Prior to the introduction of the team officers were not available at the times when many of these issues were occurring which meant that too many cases were having to be dealt with retrospectively or over prolonged periods of time. Since its introduction the team has been able to deal with issues as they arise which enables a swifter resolution of cases for both businesses and residents.
- 2.2 The team is co-located with the local policing team in the city centre partnership office in the Town Hall Extension. They also work closely with many other enforcement services and agencies forming part of a virtual team that work together to achieve effective compliance across the City e.g. GMFRS, Immigration Enforcement, HMRC, Trading Standards, ASB, Planning Enforcement and Building Control.
- 2.3 The team work flexibly across 7 days on a shift pattern that provides a good spread of daytime (8am - 4.30pm), evening (11.30 am - 8.00pm) and night (8.45pm - 4.30am) cover for the whole city.

3.0 Key areas of demand

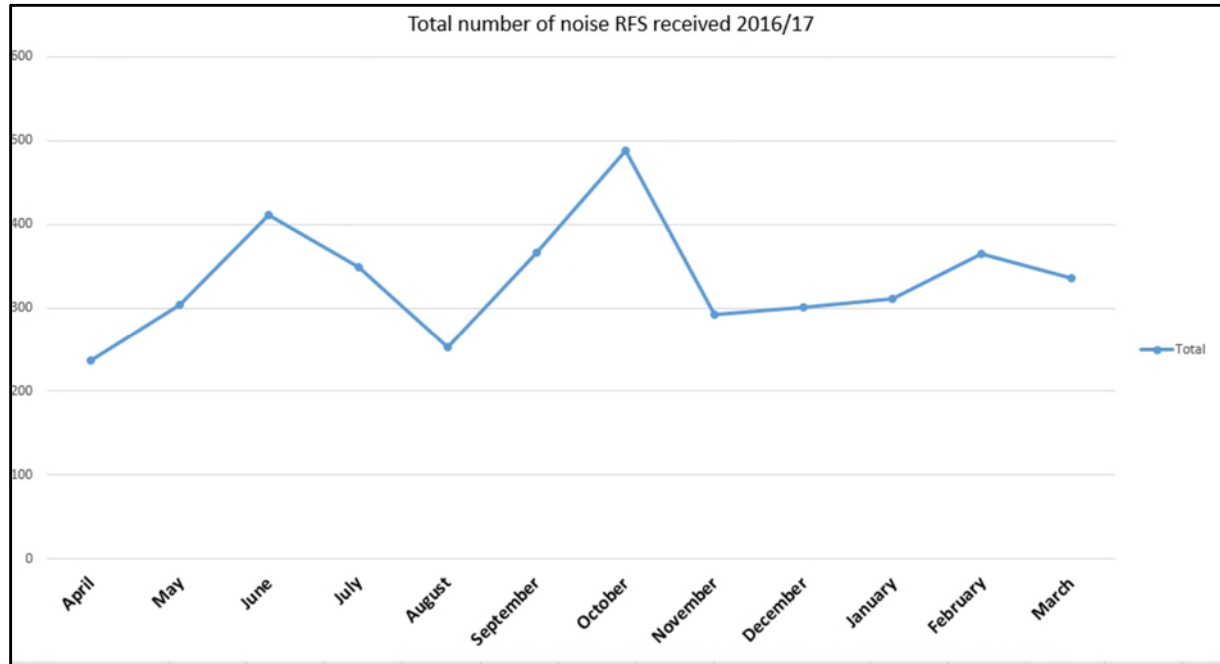
- 3.1 The greatest service demand for the team is noise related issues whether it be from domestic properties, licensed venues or construction sites (see Fig.1 below).

Fig.1 - Volume of requests for service received by category.

Total RFS received 2016/17		
RFS Category	No.	%
Noise Domestic	2486	40.8%
Licensing Applications/ Variations	1540	25.2%
Noise Licensed Premises	486	7.9%
Noise Commercial	436	7.1%
Licensing Premises Issues	336	5.5%
Noise Other	240	3.9%
Noise Barking Dogs	188	3.0%
Noise Construction	176	2.8%
Table & Chair Licence	103	1.6%
Street Trader Issues	85	1.3%
Gambling Establishments	8	0.1%
Smoke Free	6	0.09%
Grand Total	6090	

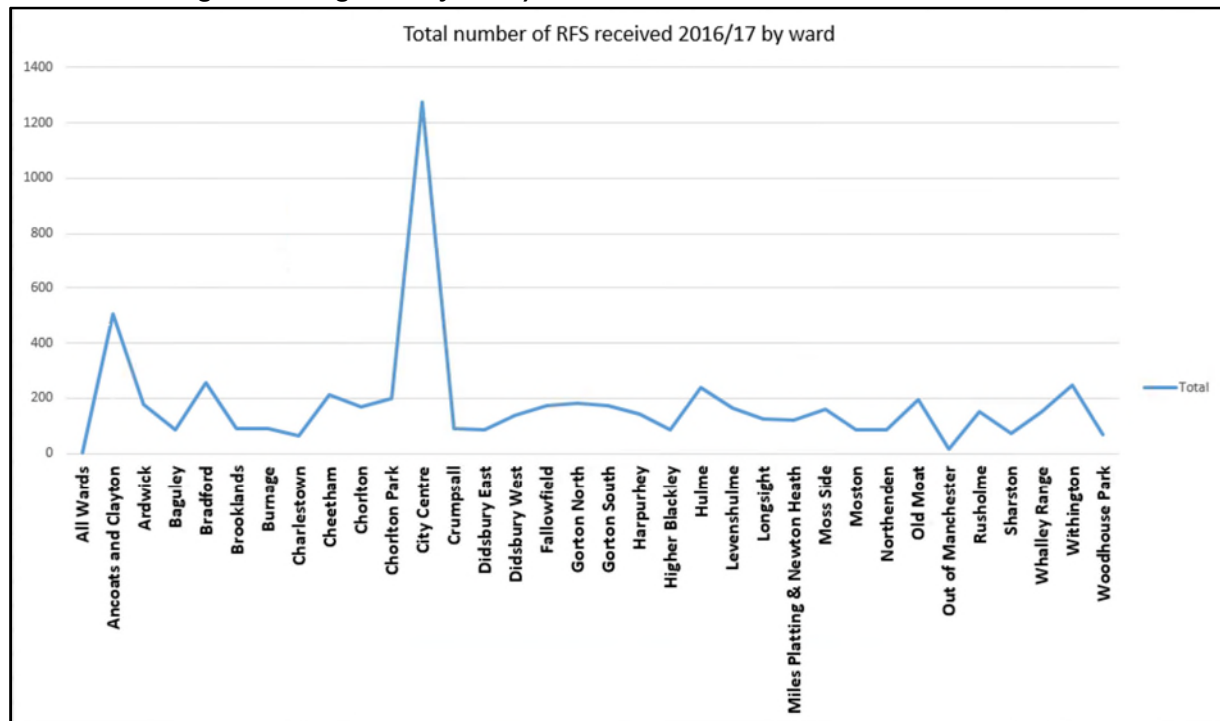
3.2 In total, noise related requests for service made up 66% of the requests for service received by the team in 2016/2017. Particular spikes in these types of complaints were noted around student parties at the beginning and end of term and post exams as well as associated with periods of warm weather which leads to an increase in complaints relating to licensed premises using outdoor areas (see Fig. 2).

Fig.2 - Total noise RFS received 2016/17 by month



3.3 Geographically the City Centre creates the greatest overall demand for service with more than double the volume of service requests than the next busiest ward which is Ancoats & Clayton.

Fig.3 Total number of RFS received 2016/17 by ward (see appendix 1. for table showing RFS categories by ward)



3.4 Collectively the wards in the south of the city contribute to the highest level of demand (30.4%). This is largely due to the student population and also the popularity of the thriving district centres in these areas where there are a large

number of bars and takeaway businesses operating in close proximity to residential properties.

4.0 Temporal demand

4.1 As well as dealing with the differing geographical demands across the City there is also a marked difference in the nature of the work the team deals with when changing from day to night shifts and also across the weekend. On a Friday and Saturday night the City Centre becomes a destination of choice for people wanting to enjoy the night time economy offer with an estimated 150,000 people visiting the city centre each weekend. A vibrant night time economy brings with it an ever growing demand on the team to ensure licensed venues such as bars, clubs and takeaways are operating in accordance with licensing legislation so as to ensure that visitors have an enjoyable experience whilst ensuring City Centre residents are not adversely impacted.

4.2 Typically daytime demand across the city includes:

- Management of on street activity including Pedlars; Buskers; Preachers and Street Entertainers;
- Assessing Street Trading Applications;
- Assessing Premises Licensing Applications; undertaking inspections and attending licensing sub-committee;
- Dealing with initial contact from residents about domestic and commercial noise complaints

4.3 Typically night time demand across the city includes:

- Effective management of licensed premises often undertaking joint visits/enforcement action with GMP;
- Domestic and commercial noise call outs where a visit is needed to assess potential nuisance from ongoing noise complaints;
- Response to complaints about Student parties;
- Monitoring of the management of events e.g. pop concerts at the Etihad Stadium; Parklife or Caribbean carnival
- Dealing with breaches of the Health Act 2006 (smoking in smokefree places) which typically involves enforcement visits to Shisha bars;
- Dealing with Pedlars, particularly in Rusholme and Canal Street areas of the City.

4.4 The reactive demand for the team particularly at night and weekends has increased as residents, councillors and businesses have become aware of the service provided and the hours covered. The team also regularly undertakes activity on behalf of other teams that operate on the traditional Monday to Friday 9-5 hours e.g. checking ownership details of food premises that only open in the evening and monitoring premises that have been closed due to hygiene standards; investigating light pollution complaints on behalf of the Neighbourhood Compliance Team; monitoring premises for activity on behalf of Planning Enforcement. Due to the hours the team work they are in a unique position to be able to gather intelligence to share with other teams.

5.0 Our Manchester and Integrated Neighbourhood Management approach to achieving compliance

5.1 Through the Integrated Neighbourhood Management Model (INM) which has been developed having regard to the Our Manchester principles, officers regularly engage with partners sharing knowledge and agreeing joint responses to issues that are presenting themselves where a single authority could not effectively deal with the issue in isolation therefore delivering enhanced outcomes and strengthening the partnership approach.

5.2 **Boom Off Licence, Rusholme** - The initial complaint to the team was from residents concerned about street drinking outside the premises. Whilst addressing this complaint officers observed the premises breaching their licence in terms of alcohol sales and shared this intelligence with GMP colleagues who also undertook monitoring and test purchases. This evidence supported a closure application by GMP's Licensing team and a full review of the premises licence which resulted in the licence being revoked and a full closure order being granted.

5.3 **Wristband Seller, City Centre** - Officers received complaints regarding an individual attempting to sell magazines and wristbands around the Christmas Markets. He appeared to be targeting young females and alleging that proceeds were going to charity. On investigation the officer determined this not to be the case and the charity he purported to represent did not exist. As the Council does not have powers to seize under the relevant legislation we worked with GMP who seized the goods and the Licensing and Out of Hours team completed a successful prosecution against the individual concerned.

5.4 **Shisha Premises** - The Protect Team at GMP shared intelligence that young people were being taken to shisha cafes in the Rusholme area. The intelligence suggested that young people were taken to side rooms and had been offered alcohol. The operation was timed in line with Child Sexual Exploitation Awareness Week. Also involved in the operation were Social Workers and Police Officers from GMP's Protect Team, Immigration Officers and GMP's neighbourhood policing team. The aim of the operation was to gather as much information and intelligence as possible about each premises. This included a tour of the building to establish if there were side rooms away from main public access areas. Information was also gathered from Managers, owners and staff which has informed both the Licensing and out of Hours

investigations into breaches of the Health Act and Licensing Act as well as informing the Protect Team's ongoing investigations.

- 5.5 A total of 16 premises were visited on the night of the operation and whilst there were no young people under the age of 18 in any of the premises, there were concerns about some of those visited having 'hidden rooms'. GMP's Protect Team will use the information gathered to inform future operations and the information was also passed to the Fire Service for further investigation in terms of fire safety issues. The team has been continuing to gather evidence against the responsible person at each of these venues and recently secured their first prosecution against the Manager at Beliul on Wilmslow Road. They also secured compliance with another two venues which have agreed to change their primary use from shisha cafes to restaurants.
- 5.6 The team have also linked in with Greater Manchester Fire and Rescue Service, Trading Standards and HMRC to take a joint approach to tackling these illegal premises. The Premier League's trademark department has also been contacted as there was evidence in numerous bars of illegal live streaming of football.

5.7 *Our Manchester Approach - Student Noise:* The Our Manchester ethos was applied to the approach to dealing with noise from student parties which was the result of listening to residents' concerns and working closely with Manchester Student Homes, the Universities and GMP to develop a strategy that all concerned play a role in achieving, so it is no longer seen as just a 'Council problem'. The introduction by the Universities of the security patrols that work alongside the team at night during particularly busy times in the student calendar has been an effective means in helping to deal with specific problematic streets.

- 5.8 **Night Time Community Neighbourhood Support activity** - In recognition of the levels of noise nuisance and anti-social behaviour from both transient noise and noise from large student parties experienced in the Fallowfield & Withington areas; the universities jointly funded a pilot of a nighttime response service that covered the key periods from 17th September 2016 to 25 September, and then Wednesday, Friday and Saturday nights, concluding on Bonfire Night.
- 5.9 The night time response comprised two mobile security company Incident Response Officers who patrolled a set area and provided initial responses and early intervention to stop nuisance behaviour and provide evidence of noise and other anti-social behaviour where formal enforcement was needed. The Licensing and Out of Hours Team worked closely with Incident Response Officers on this initiative frequently responding to incidents where the initial contact from response officers had not been heeded and formal action was necessary.
- 5.10 The process will be evaluated and refined in preparation for next academic year. The decision regarding the use of the Mobile Response Officers again

for the coming academic year is still with the University Boards for determination.

- 5.11 **Preventative Action around student parties** - The team received intelligence from residents on Mauldeth Road West, Old Moat after a group of students posted letters through their doors giving them notice of a party at their property and suggested their neighbours may wish to make alternative arrangements for the evening. As a result of the intelligence received, an officer from the Licensing and Out Of Hours team, an officer from GMP and the off-campus student affairs officer from Manchester Student Homes attended the students' address to warn them of the consequences of causing a disturbance to their neighbours. They were also warned of the risks associated with inviting large numbers of people into their property and were provided with crime prevention advice. Officers revisited the property just before midnight on the night of the party and did not witness any noise disturbance or evidence of an ongoing party.

6.0 Challenges

- 6.1 Addressing consistent non compliance where the penalties are not a sufficient deterrent is challenging. This is particularly the case with Pedlars where the fines issued are relatively low and therefore some Pedlars continue to breach the legislation. The team is therefore working on alternative approaches to addressing this issue including working with GMP to review the application process to enable greater control on the number of Pedlar's certificates issued. This new approach is already having an impact in that not only have Pedlar's certificates been refused but four cases have been referred for investigation of Council Tax fraud.
- 6.2 Some areas of the city change dramatically at night and the need for compliance resources is significant: e.g. The Village, Withy Grove, Rusholme, Peter Street, Deansgate Locks, Burton Road, Chorlton, Fallowfield/Withington. Common issues include:
- High levels of drunkenness
 - Traffic gridlock
 - Insufficient public transport to get people away from the area quickly
 - Illegal plying for hire by taxis
 - Illegal parking, cruising cars
 - On-street drinking
 - Shisha/ Smoking
 - Noise and ASB
 - Violence and theft from person
 - Waste/ Litter
 - Begging & Rough Sleeping

- Pedlars

6.3 Tackling these issues requires a sustained effort and joint approach from partners. The strengthening of partnership working and the intelligence/information sharing approach that is being applied to problem solving will assist in addressing these issues.

6.4 **Withy Grove Operation - May 2017** A multi-agency operation was undertaken to tackle the many issues that regularly occur in the Withy Grove area. Although each of the services focussed on their key areas of work they planned the operation together and deployed as one team across a longer span of hours than most normally work (21.00-05.00). This required some of the teams to work outside of their usual hours and working patterns. The key areas of activity were:

- **Taxi Compliance** - Identifying and recording Taxi/ Private Hire vehicles causing issue including touting;
- **Licensing & Out of Hours Team** - Monitoring effectiveness of dispersal policies; noise breakout from licensed premises; general street noise; noise from departing customers including incidents of shouting/ screaming; non-compliance with licence conditions; evidence of littering and fouling; intelligence gathering to identify any trends/ peaks in the area i.e. prime times of admission/ exit to the respective premises including queues and quality of queue management; general demographics of people using the area
- **Parking Enforcement** - Stopped vehicles and focused on ticketing
- **Police** - Hi-Visibility walkthrough of licensed premises and observations of behaviour inside premises, managing conduct of public in surrounding areas including street drinking/ Designated Public Places Order (DPPO) enforcement; managing any incidents of crime and disorder

6.5 General observations were that whilst it was a quieter night than usual for this area it still had a generally unruly feel. Each agency learned a lot from the operation and overall the feedback from all agencies was very positive concluding that working together in this targeted way made a visible difference.

7.0 Future Plans

7.1. A safe and well managed City Centre is crucial to the continued growth of the City overall and its reputation as a place that people want to visit, live or work in. As the City grows along with the cultural offer both during the day and the night time economy there is an increasing demand on the service.

7.2 In December 2016 the Council along with GMP, conducted a review of demand on public services in the City Centre. This identified four key areas

which require improvement to make the City Centre an attractive place to work, visit and live.

7.3 The areas identified include:

- place issues; drawing together issues that affect the physical environment, including: littering, alcohol and drug consumption, antisocial behaviour, charity collectors and business waste.
- rough sleeping, homelessness and begging; issues relating to individuals and the impact that this has on the City Centre.
- public realm; looking at the space in its totality, as affected by the issues above and issues such as events.
- management and governance: leadership and coordination required to drive the delivery of improvements.

7.4 In light of this review and the subsequent report approved by the Executive in February 2017, recruitment is currently underway to provide a dedicated City Centre compliance team which will provide much needed additional capacity in the City Centre with a focus on the complex demands and an increased level of responsiveness to issues arising primarily under the place issues category but also contributing to the other key areas.

7.5 The existing team has a city wide remit and the demand from across the city means that officers are frequently called away from the City Centre and are therefore not available to deal with the issues that impact on residents, visitors and businesses. In the future there will be a dedicated City Centre team which will enable officers to maintain a presence in the City Centre whilst the existing team maintains the capacity to react to issues occurring across the neighbourhoods.

Appendix 1. RFS for each category by ward for 2016/17

	Smoke Free	Gambling Establishments	Street Trader Issues	Table & Chair Licence	Noise Construction	Noise Barking Dogs	Noise Other	Licensing Premises Issues	Noise Commercial	Noise Licensed Premises	Licensing Applications/ Variations	Noise Domestic	Grand Total
City Centre	1	3	20	83	54		13	96	128	157	596	123	1274
Ancoats and Clayton			3	13	9	9	7	28	60	67	150	160	506
Bradford			9		10	10	10	16	11	5	92	95	258
Withington					3		2	7	4	12	13	205	246
Hulme		1	2		9	1	10	9	22	26	34	124	238
Cheetham	1		8		2	4	11	13	11	12	66	85	213
Chorlton Park		1	1	1	8	4	18	7	8	27	83	43	201
Old Moat	1		1		6	4	8	5	3	9	10	148	195
Gorton North		1	2		6	3	8	3	23	13	39	83	181
Ardwick	1		3	3	7	5	5	12	15	12	53	61	177
Gorton South			1		1	19	19	5	5	2	11	112	175
Fallowfield			3		3	2	4	8	7	3	38	104	172
Chorlton			2		3	5	5	17	12	15	70	39	168
Levenshulme			2		6	6	8	10	10	6	27	90	165
Moss Side			1		1	10	3	3	19	8	21	93	159
Whalley Range			2		7	6	9	2	7	15	26	79	153
Rusholme			2		2	1	3	20	3	8	23	90	152
Harpurhey	1		2			8	7	13	10	3	12	88	144
Didsbury West			2	2	11	2	3	8	6	10	56	39	139
Longsight		1	4		7	1	4	9	5	1	7	85	124
MP&NH			2		1	13	5	6	14	4	12	66	123
Crumpsall		1	1		1	6	13	2	4	3	2	59	92
Burnage			1		6	6	6	4	5	13	4	46	91
Brooklands			1		4	8	12	1	7	3	10	44	90
Didsbury East				1	3	1	6	3	9	8	26	30	87
Moston	1		1			8	8	7	1	2	9	50	87
Northenden			1		3	6	1	8	3	18	17	30	87
Baguley			3			10	4	2	3	8	8	48	86
Higher Blackley						4	6	6	6	9	9	45	85
Sharston			1			11	8		5		3	45	73
Woodhouse Park					1	8	3	5	8	7	5	30	67
Charlestown					2	6	11		2		3	41	65
Out of Manchester			2			1		1			5	6	15
All Wards			2										2
Grand Total	6	8	85	103	176	188	240	336	436	486	1540	2486	6090