



## Licensing Sub Committee Hearing Panel

Date: Wednesday, 21 February 2024

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

This is a **seventh supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

### **Access to the Council Antechamber**

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. Walk. **There is no public access from any other entrances of the Extension.**

## **Membership of the Licensing Sub Committee Hearing Panel**

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**Councillors** - Connolly, Evans and T Judge

## Supplementary Agenda

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4. **Application for a New Premises Licence - Co-op Live, Etihad Campus, Manchester, M11 3FF** 3 - 6  
Now contains additional information.

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

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This supplementary agenda was issued on **Tuesday, 20 February 2024** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

## **Supporting Documentation for the Representation from the Public Health Department at Manchester City Council**

### **RE: Application for Co-Op Live Application number 295333/CT4**

The Department of Public Health, on behalf of the Director of Public Health, has made a representation in relation to the application for a new licence for the premises at The Ethiad Campus, Manchester M11 3FF.

Public health recognises the important role that licensed, and off-licensed premises play in the local economy and for local residents. However, based on the available evidence, we feel that granting this licence in its current form could undermine the following licensing objectives:

- 1. Protection of children from harm**
- 2. Public safety**
- 3. Prevention of public nuisance**

The smoking and vaping policies provided by the applicant indicate attendees will be able to vape in the public concourse and other ancillary spaces in the venue that children will have access to. This will expose children attending the venue to second hand vape plumes in an enclosed space and normalises vaping in public spaces in front of children.

In line with government guidance that advises “Approaches might include allowing vaping in a designated adults-only indoor area” as a possible solution to balance the needs of supporting adults to not smoke tobacco whilst protecting children from the harms of vaping, the department of Public Health requests that additional conditions are adopted prior to approving this licence. Namely, that:

1. Vaping will not be allowed in the public concourse or in ancillary areas where children under the age of 18 are permitted.

However, this is without prejudice to the ability of the application to appropriately address other concerns outlined below. These concerns relate to public safety with regards to ingress management in their corresponding operating policies. The department of Public Health also recognise vape plumes may be the source of a public nuisance to adult attendees.

### **Reasoning and Highlighted Risks:**

Research into the long term effects of vaping and of secondary exposure to vaping device emissions is limited when compared to the wealth of evidence available demonstrating the harms of tobacco smoke exposure. However, whilst vaping is recognised as less harmful than smoking tobacco, this does not mean that vaping is risk free. A study undertaken in Florida, published in 2019, found children who had been

exposed to second hand electronic nicotine delivery system emissions were more likely to report asthma attacks when compared to those who had not (1). These findings are supported by previously issued Public Health England (PHE) guidance that outlines people with “asthma and other respiratory conditions can be sensitive to a range of environmental irritants, which could include e-cigarette vapour” (2). Over 39,000 people in Manchester have a diagnosis of asthma, which accounts for 5.9% of the population aged 6 and over (3). However, the venue is likely to attract visitors from all over Greater Manchester. Greater Manchester recorded 1,465 hospital admissions for asthma in under 19 year olds between 2021 and 2022, which translates to a rate of 213.2 per 100,000 people, significantly higher than the national average (131.5 per 100,000) and the highest rate reported when compared to the other 9 Combined Authorities in England (3). Improving asthma outcomes in children is a priority for the evolving Greater Manchester Children and Young People’s Plan (4) and was identified as a key clinical area of health inequalities in the NHS’s Core20Plus5 approach to reducing health inequalities in children and young people (5). Allowing vaping in the public concourse and ancillary areas, where there will be children, could therefore potentially expose children, particularly children with asthma, to harm. Granting the licence in its current form therefore compromises Greater Manchester’s plan to improve health outcomes for children and young people and undermines the licensing objective to protect children from harm.

The normalisation of vaping in a public space also undermines public health messaging that vapes should be used as a temporary aid to smoking cessation and should not be used by people who have never smoked and in particular should not be used by children. Nicotine is highly addictive and there are concerns that children who take up vaping may be set on to a path of long term nicotine addiction with serious long term health consequences. Previously issued PHE guidance states “it is not recommended to allow adults who use or work in child and youth settings to vape in view of children” (2). The public concourse and ancillary areas are freely accessible to children attending the venue, therefore the plan to allow vaping in these areas contradicts this guidance. Furthermore, the normalisation of vaping in public settings goes against recently announced government plans to introduce restrictions on the advertising and promotion of vapes, designed to discourage children and young people from taking up vaping. Therefore, to permit vaping in the public concourse and ancillary areas of the venue in full view of children, undermines the licence objective to protect children from harm.

Disposable vapes are available in a variety of flavours and often sold in brightly coloured packaging. This has raised concerns that disposable vapes have been marketed in such a way to appeal to children. As such, the implementation of a ban on the sale of disposable vapes is being considered as part of the wider governmental strategy to tackle youth vaping.

The smoking, vaping, and prohibited items policies provided by the applicant indicate that “*Disposable vapes are prohibited from being brought into the arena*”. It is proposed that all attendees will be searched and Xtract ONE Smart Gateway technology will be

used to identify prohibited items. However, it is unknown how successful this system will be at differentiating between disposable and non-disposable vapes or identifying vapes that contain illicit substances. This process may result in slower ingress of attendees whilst vapes are manually checked by staff. These delays may also result in less satisfactory checks being completed. Slow ingress and incomplete checks could compromise public safety. The policy also states "*Security will challenge any persons entering the arena with a refillable vape who may appear to be under the age of 18 years old*". If all attendees in possession of vapes are then required to undergo ID checks to demonstrate they are over the age of 18, this again, could lead to slow movement of crowds through the venue, further compromising public safety.

The applicant has also outlined plans in their vaping policy to sell vapes at the venue, but despite listing disposable vapes as a prohibited item, thus preventing attendees from bringing disposable vapes in to the venue, the applicant has not specified whether the vapes they plan to sell will be disposable or not. In the vaping policy, the applicant has stipulated "*Those selling vaping products will be instructed to challenge anyone who appears to be under the age of 18 and request photographic identification to verify their age*". However, the policy does not mention how the applicant intends to prevent proxy sales. The vaping policy does not state whether staff will challenge anyone who appears under the age of 18 who is vaping in the public concourse or ancillary areas and whether they will confiscate vapes from anyone seen vaping who appears to be under the age of 18 that cannot provide appropriate ID to confirm they are aged 18 or over. Due to the large numbers of attendees expected at events, the operational capacity to check the ID of all those vaping is questionable. Therefore, the absence of assurances that children will not be able to vape at the venue raises concerns that granting this application in its current form will undermine the licensing objective to protect children from harm.

Vape plumes may also cause a public nuisance. The vaping policy stipulates "*Vape liquids which have a noxious smell or influence....will not be permitted and will be confiscated*". However, this would not become apparent until the vape has been used, emitted a noxious smell, and thus has already caused a public nuisance. During a consultation exploring the public demand for smokefree spaces in Greater Manchester, 72% of respondents indicated they did not think vaping should be allowed in spaces if it was not possible to smoke, and 71% expressed concern about young people and vaping. These findings support concerns that many attendees may consider the presence of vaping in the public concourse and ancillary areas a public nuisance.

## References

1. Bayly JE, Bernat D, Porter L, Choi K. Second hand exposure to aerosols from electronic nicotine delivery systems and asthma exacerbations among youth with asthma. *Chest*. 2019 Jan 1;155(1):88-93.

2. PHE guidance [Use of e-cigarettes in public places and workplaces - GOV.UK](https://www.gov.uk/guidance/use-of-e-cigarettes-in-public-places-and-workplaces)  
([www.gov.uk](https://www.gov.uk))
3. Public health outcomes framework [Public health profiles - OHID \(phe.org.uk\)](https://www.phe.org.uk/public-health-profiles)
4. GM Children and Young People's plan <https://www.england.nhs.uk/wp-content/uploads/sites/48/2022/11/FINAL-Stakeholder-REPORT-2022>
5. Core20plus5 NHS approach to reducing health inequalities for children and young people [NHS England » Core20PLUS5 – An approach to reducing health inequalities for children and young people](https://www.nhs.uk/core20plus5)