

Licensing Committee

Minutes of the meeting held on Monday, 19 July 2021

Present: Councillor Ludford (Chair) – in the Chair

Councillors: Grimshaw, Andrews, Chambers, Connolly, Evans, Flanagan, Hassan, Hewitson, Hughes, Jeavons, Lynch, McHale and Reid

Apologies: Councillor S Judge

Also present: Councillors:

LHP/20/4 Minutes

The minutes of the meeting held on 8 March 2021 were submitted for approval.

Decision

To approve as a correct record the Minutes of the Licensing Committee meeting held on 8 March 2021.

LHP/20/5 Update of Model Conditions under the Licensing Act 2003 including incorporation of Martyn's Law proposals

The Committee considered the report of the Director of Planning, Building Control & Licensing that provided the results of the public consultation and proposes the final model conditions for premises under the Licensing Act 2003, which incorporated the proposed new conditions in line with adopting the principles of Martyn's Law in Manchester.

The Principal Licensing Officer introduced the report and provided the Committee with a summary of the consultation process and the responses received. A copy of the Proposed Licensing Act 2003 Model Conditions was appended to the report that highlighted the proposed changes and amendments as a result of the consultation process.

The Chair invited members of the Committee to ask questions.

A member referred to an expected high level of business for licenced premises following the relaxation of covid rules and asked officers if training could be made mandatory for all new premises applications to ensure training for security staff was undertaken much sooner.

The Committee was advised that in consideration of a licencing application each application must be considered on an individual basis and any conditions would need to be proportionate based on the premises and type of premises licence involved. The Committee was informed that work on training for security staff is ongoing and will be introduced as soon as possible.

A member referred to Martyn's law and commented that the responsibility seemed to be being passed to the licence and away from the Council. An example of large events taking place where it was unclear of where the licence premises ended and the event space started and the responsibility for controlling and protecting event attenders. Also, what were the cost implications and had any additional funding been identified for policing to cover the areas.

The Committee was advised that the Model Conditions focus on the licensed premises and so the responsibility for the event space is not within the scope, however the Council will consider those wider issues. The cost implications for the Council for the provision of training will be the officer time and venue cost and included in the delivery of the licensing function. The assessment of premises will be the responsibility of the licence holder through the completion of the risk and vulnerability assessments.

A member referred to the potential danger of a cumulative impact of multiple venues holding events and the same time and the area reaches saturation and requested the City Solicitor to provide advice.

The City Solicitor's representative reported that a Cumulative Impact Assessment addresses this situation and would require an assessment to be undertaken for an area of the City. This would require a review to be undertaken every three years.

A member requested that information and guidance on cumulative impact assessment be circulated to Committee members. The City Solicitor's representative undertook to circulate information to Members of the Committee.

A member of the Committee referred to the removal of Condition 51 and in noted the reasons put forward for the removal of the definition of a venue. Reference was made to use of the condition for licence applications to restrict the use of a venue as a vertical drinking venue and officers were asked if there were confidence that other conditions could be used in order to prevent vertical drinking establishments.

The Committee was advised that each application is considered on the basis of the proposal and officers are confident that an appropriate condition/s can be applied to a licence if it was considered that the proposed use was not appropriate for the premises.

A member referred to the process in producing the model conditions and the responses received. Officers were asked what funding maybe available and if this could be cost neutral to the Council. Also, what provision will be put in place to train staff and staff within premises and is this proportionate on the size of the premises..

The Committee was advised there is no proposed funding had been allocated although funding sources could be explored. Training can be explored as part of a review of the conditions.

A member asked for further clarification of the use of body worn video and how long would the cameras be switched on for and where would the footage be held.

The Committee was advised that guidance on the use of body video and CCTV systems will be produced for licence holders and the responsible authorities to include best practice and changes in technology. The cost associated to the use and storage of CCTV and other footage would be included within the conditions of the licence to be the responsibility of the licence holder.

Decisions

1. The Committee noted the report and the responses received from the consultation process.
2. To approve the proposed Model Conditions, as detailed in the report submitted.

LHP/20/6 Proposed revision of MCC Gambling Policy

Consideration was given to the report of the Director of Planning, Building Control and Licensing that presented a draft statement of the Council's revised Gambling Act Policy and information on the method of consultation proposed.

The Principal Licensing Officer introduced the report and explained that the Council has responsibilities under the Gambling Act to issue premises licences, permits and temporary use notices in respect of premises where it is proposed that gambling should take place (betting shops casinos tracks gaming machine permits). Additionally, the Council will continue to be responsible for the registration of Small Society Lotteries. The Gambling Policy must be republished every three years to include a statement of principles for gambling. The policy has been developed in conjunction with the other GM Authorities and reference was made to the GM Gambling Harm Reduction programme.

The draft policy has been prepared for public consultation. Subject to approval by the Licensing Policy Committee, a 8-week public consultation would begin. The final policy taking account of consultation responses will then be presented to the Licensing Policy Committee and would require approval of full Council.

The consultation strategy for the draft Gambling Policy is as follows:

The Gambling Act 2005 requires consultation with the following:

- The chief officer of police for Manchester
- One or more persons who represent the interests of gambling businesses in Manchester Page 53 Item 6
- One or more persons who appear to represent the interest of persons who are likely to be affected by the implementation of the Gambling Act in Manchester
- The Responsible Authorities who are consulted on Gambling applications in Manchester (Greater Manchester Police, Planning, Environmental Health, Child Safeguarding Board, Greater Manchester Fire and Rescue Service, HM Revenue and Customs, Gambling Commission)
- All Ward Councillors of Manchester City Council
- All Strategic Area Managers

- Gamcare
- All gambling premises in Manchester
- Gambling Trade Associations
- Cityco
- Public Health

The proposed revised policy will also be made available on the Public Consultations page of the council's website.

The draft policy has been prepared for public consultation. Subject to approval by the Licensing Policy Committee, 8-week public consultation would start. The final policy taking account of consultation responses will then be presented to the Licensing Policy Committee and then require the approval of full Council.

Decisions

1. To note draft Gambling Policy.
2. To endorse the consultation strategy as follows:

LHP/20/7 Remote attendance at hearings under the Licensing Act 2003

The Committee considered the report of the Director of Planning, Building Control and Licensing that sought approval to remote input by parties via video conferencing for hearings under the Licensing Act 2003.

The Committee was informed that the use of remote video conferencing to allow interested parties to input into a licensing hearing would be undertaken as and when required in accordance with requests received.

Members were reminded that elected member physical attendance at meetings is a requirement.

Decision

To approve the use of remote attendance at meetings of Licensing Sub-Committees via video conferencing.