



Licensing Committee

Date: Monday, 19 July 2021
Time: 10.00 am
Venue: Council Chamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Chamber

Public access to the Council Chamber 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.

There is no public access from any other entrance of the Extension.

Face Masks/ Track and Trace

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

Filming and broadcast of the meeting

Meetings of the Licensing Committee are 'webcast'. These meetings are filmed and broadcast live on the Internet. If you attend this meeting you should be aware that you might be filmed and included in that transmission.

Membership of the Licensing Committee

Councillors - Ludford (Chair), Grimshaw (Deputy Chair), Andrews, Chambers, Connolly, Evans, Flanagan, Hassan, Hewitson, Hughes, Jeavons, S Judge, Lynch, McHale and Reid

Agenda

- 1. Urgent Business**
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes** 5 - 6
To approve as a correct record the minutes of the meeting held on 8 March.
- 5. Update of Model Conditions under the Licensing Act 2003 including incorporation of Martyn's Law proposals**
To follow.
- 6. Proposed revision of MCC Gambling Policy**
To follow.
- 7. Remote attendance at hearings under the Licensing Act 2003** 7 - 12
The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Committee fulfils the functions of the Licensing Authority in relation to the licensing of premises for the sale or supply of alcohol, the provision of regulated entertainment, and the provision of late night refreshment (hot food or hot drink provided at any time between 11pm and 5am) and in relation to the Gambling Act.

Copies of the agenda are published on the Council's website.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
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Further Information

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

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This agenda was issued on **Friday, 9 July 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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Licensing Committee

Minutes of the meeting held on Monday, 8 March 2021

Present: Councillor Ludford – in the Chair

Councillors: Grimshaw, Andrews, Evans, Flanagan, Hassan, Hewitson, Hughes, Jeavons, and Reid

Apologies: Councillor Madeleine Monaghan

LHP/20/1 Minutes

The minutes of the meeting held on 30 November 2020 were submitted for approval.

Decision

To approve as a correct record the Minutes of the Licensing Committee meeting held on 30 November 2020.

LHP/20/2 Premises Licensing – Annual Report 2020

The Principal Licensing Officer presented the Annual Report of 2020 Licensing matters.

The Principal Licensing Officer stated the Coronavirus had a large impact on business throughout 2020. The effects of which had seen applications for New Premises Licences and Premises Licence Variations decrease by approximately 20 percent and Temporary Event Notices had decreased by approximately 60 percent. One Premises Licence had been revoked for being in breach of Covid regulations on two occasions in 2020. Government regulation changes had allowed any on-sales Licence Premises to trade with off-sales as take-out venues. Also, 188 Pavement Licences had been issued due to the effects of Coronavirus legislation, allowing premises to use their outside area and the creation of on-street closures to increase this capacity and assist businesses to continue trading in between the two lockdown periods over the summer and early autumn of 2020. The Principal Licensing Officer stated that the Licensing team had adapted to working from home and made some system improvements, using the increased time available from the decrease in applications.

A Committee member requested information on what constitutes an outside area. The Principal Licensing Officer stated that the Government had used the outside smoking legislation as the standard for setting the outside area and that the boundary of the licence for each premises would dictate where on-sales were allowed, adding that premises could take advantage of the current de-regulation and to make off-sales and use non-licenced areas of their premises, such as car parks, finally adding that the Government had issued further guidance in relation to this legislation which had not been available at the time of producing the report.

A Committee member requested further info on Pavement Licences and The Principal Licensing Officer stated that the Government had issued a 12 month extension, stating that they may become a permanent fixture.

Decision

To note the report.

LHP/20/3 Premises Licensing - General Update

The Principal Licensing Officer referred to the recent Government timetable for the gradual re-opening of Licenced Premises, stating that there has been a recent increase of applications. The Principal Licensing Officer referred to the consultation on the new Protect Duty to improve security measures, the impact of Coronavirus on the night-time economy, new requirements on the Security Industry Association (SIA) and consultation on the Gambling Act due to the increase in online gambling.

A Committee member requested information on SIA requirements and when they would be rolled out across Premises in Manchester. The Principal Licensing Officer stated that the work would be carried out as licences are renewed and with all new applicants.

A Committee member requested information on whether doorpersons who travelled from outside Manchester to work could be tracked and also gave mention that the Gambling industry set the Gamble Aware promotion themselves and whether this was appropriate. The Principal Licensing Officer responded, stating that they were currently having conversations with the SIA on where staff are pooled from and would report back at a future Committee meeting and that the Government were looking at the Gambling legislation and that information on this would also be fed back at a future Committee meeting.

Decision

To note the report.

**Manchester City Council
Report for Resolution**

Report to: Licensing Committee – 19 July 2021

Subject: Remote attendance at hearings under the Licensing Act 2003

Report of: Director of Planning, Building Control & Licensing

Summary

The report requests the committee to approve remote attendance by parties via Zoom for hearings under the Licensing Act 2003

Recommendations

That Members approve the use of remote attendance

Wards Affected: All

Environmental Impact Assessment - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city
None

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	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, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home-grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	An effective licensing regime works with Operators and other agencies to ensure as far as it is able, matters of equality and local issues.

A liveable and low carbon city: a destination of choice to live, visit and work.	The Licensing process provides for residents and other interested parties to make representations in relation to licensing applications to safeguard local place-based interests. Representations must 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.
A connected city: world class infrastructure and connectivity to drive growth	Licensed premises play a key role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.

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:

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Background documents (available for public inspection):

1. Introduction

- 1.1 In response to the coronavirus pandemic, the Government introduced the Local Authorities and Police and Crime Panels (Coronavirus) Flexibility of Local Authority and Police and Crime Panel meetings) (England and Wales) Regulations 2020 (the Flexibility Regulations) to enable local authority meetings to be held remotely. The Local Government Act 1972 requires councillors to be physically present at a meeting to make valid decisions and that the meeting must be open to the public to attend.
- 1.2 The Flexibility Regulations ceased to have effect on 7 May 2021 and the Government have stated that as primary legislation is required to extend the regulations it is not possible to bring forward emergency legislation to facilitate this due to pressure on parliamentary time.
- 1.3 On 28th April, the High Court (R (Hertfordshire County Council) v Secretary of State [2021] EWHC 1093 (Admin)) held that the Secretary of State was correct to say that primary legislation would be required to allow local authority "meetings" under the Local Government Act 1972 to take place remotely. Once the Flexibility Regulations ceased to apply on 7 May 2021, such meetings must take place at a single, specified geographical location.
- 1.4 However, it is proposed that whilst remote local authority meetings under the Local Government Act 1972 require legislative permission and still do; remote licensing hearings do not¹ as these hearings are conducted under the Licensing Act 2003 not the Local Government Act 1972².
- 1.5 The Licensing Act 2003 provides hearings are required in certain situations, usually involving contested applications.
- 1.6 Section 9(2) of the 2003 Act says that regulations may make provisions for the proceedings of Licensing Sub-Committees including "public access" to the meetings. It goes on to say that subject to such regulations, each licensing committee may regulate its own procedure and that of its sub-committees. According to section 183 of the Act, the procedure for hearings is set down in regulations under that section.
- 1.7 The Licensing Act 2003 (Hearings) Regulations 2005 are made pursuant to sections 9(2) and 183. The regulations use language such as "attendance" (regs 8, 15 and 20), "appearance" (reg 8), "leave" and "return" (reg 25). They also state that the hearing must be public (reg 14). It is submitted that these terms are satisfied by allowing people to attend/ appear etc virtually rather than physically.

¹ [Can remote licensing hearings continue? \(localgovernmentlawyer.co.uk\)](http://localgovernmentlawyer.co.uk)

² s101(15) as inserted by Sch 6 para 58 of the Licensing Act 2003 states "(15) Nothing in this section applies in relation to any function under the Licensing Act 2003 of a licensing authority (within the meaning of that Act)."

- 1.8 The Court did hold that the word “attend” connoted physical attendance. It is proposed that hearings would still be carried out in person with members of the sub-committee and officers present, as well as any party who wishes to attend in person or any member of the public who wishes to observe the meeting. Therefore, the meetings would still comply with the requirement of being held in a particular place i.e., in the Town Hall. However, it is proposed to enable in certain circumstances, parties to the hearing to attend remotely via Zoom (or any alternative technological means made available to facilitate attendance).
- 1.9 There is no requirement to provide facilities for remote attendance. However, it is something has been requested on several occasions by residents and applicants.
- 1.10 There are a number of benefits associated with enabling remote attendance:
- i. Costs savings to applicants of physical attendance by themselves and their professional representatives,
 - ii. Convenience for local residents, and even local councillors, of being able to participate from home or work
 - iii. Enabling parties to minimise travel, particularly in situations where coronavirus transmission rates may be higher
- 1.11 Alternatively, online attendance disadvantages those without good internet facilities or unfamiliarity with communication platforms, although parties would still always have the choice to attend in person. Remote attendance will require the technical support of the Council’s Strategic Comms team to enable that remote parties to the hearing are able to participate effectively.
- 1.12 It is proposed to hold ‘hybrid’ meetings, whereby the committee and officers attend in person in the Council Chamber (or respective meeting location) and other parties are able to attend either in-person or remotely via Zoom.
- 1.13 It is proposed that remote attendance will be provided for hearings in the following circumstances:
- i. Hearings with high number of parties wishing to participate
 - ii. Where a party has a legitimate reason for being unable to attend the meeting in person
 - iii. At the request of the Chair
- 1.14 If approved by the committee, it is proposed that the next Licensing Sub-Committee hearing on 3 August will provide the ability for parties to attend remotely.

2.0 Key Policies and Considerations

2.1 The proposals relate to the determination of applications under the Licensing Act 2003.

3.0 **Conclusion**

- 3.1 That Committee consider the report and
- i. Approve remote participation at licensing sub-committee hearings.
 - ii. Confirm the circumstances in which remote participation is provided

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