

**Manchester City Council
Report for Resolution**

Report to: Licensing Policy Committee – 19 March 2021

Subject: Revised Licensing Act Policy 2021 – 2026

Report of: Director of Planning, Building Control & Licensing

Summary

To present for approval by the Committee a revision of the current Statement of Licensing Policy

Recommendations

That the policy is submitted to Full Council on 31 March with a recommendation that the policy be approved and adopted with effect from 1 April 2021

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	An effective licensing regime works with Operators and other agencies to ensure as far as it is able, matters of equality and local issues.

unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit and work.	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications to safeguard local place based interests. 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.
A connected city: world class infrastructure and connectivity to drive growth	Licensed premises play an important 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

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Background documents (available for public inspection):

1. **Introduction**

- 1.1 In December, Full Council approved the proposal to publish a revised statement of policy, which in-effect carried over the same provisions of the previous policy (2016-21) subject to a full review being carried out in 2021, including a new cumulative impact assessment for the Fallowfield and Wilmslow Road cumulative impact policy, when feasible.
- 1.2 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 1.3 However, it has that a cumulative impact assessment was required to be completed before the publication of the Council's Policy in respect of any policy that created a presumption against the grant of a licence (or type of premises) i.e. special policies in respect of Fallowfield and Wilmslow Road, as well as the Withington Stress Area.
- 1.4 Therefore, until the CIA is completed, references to the CIPs should be removed at the earliest opportunity.
- 1.5 A consultation was carried out in line with 5(3) of the Licensing Act 2003 on a proposed review of the policy to remove the CIP for Fallowfield and Withington. Changes to hyperlinks to external documents referenced in the policy were also included.
- 1.6 A copy of the revised policy removing references to the Fallowfield/Wilmslow Road and Withington Special Policies is attached as Appendix 2.

2. **Reasons for this approach**

- 2.1 'Cumulative impact assessments' were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. The set 'cumulative impact' policies (CIPs) on a statutory footing and brought in new provisions under section 5A of the Licensing Act 2003.
- 2.2 Although the Council's policies for Fallowfield and Withington pre-dated that legislation, they should have been reviewed and, if appropriate, replaced with CIAs, at the time of the overarching Policy review.

3. **Responses to consultation**

- 3.1 One response was received from the Fallowfield Ward Councillors. In summary, they explain of the issues associated with the operation of licensed premises in the area and the need for a cumulative impact-related policy. A copy is provided at Appendix 1

4. **Next steps**

- 4.1 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative

impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

- 4.2 The evidence that would be suitable for underpinning the publication of a CIA or the previous CIP, should also generally be suitable as the basis for a decision to refuse an application or impose conditions. Regardless of any special policy, each decision in an area still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives.
- 4.3 Work is underway to identify concerns and evidence relevant to the licensing objectives in the Withington and Fallowfield areas, with a view to reviewing the policy approach in these areas.
- 4.4 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act.
- 4.5 The steps to be followed in considering whether to publish a CIA are summarised below.
 - Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
 - Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
 - For the purposes of the consultation provide the persons specified in section 5(3) with the following information:
 - the reasons why it is considering publishing a CIA;
 - a general indication of the part or parts of its area which it is considering describing in the assessment;
 - whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
 - Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade,

off-trade and late night refreshment providers, and can apply their own descriptions such as vertical-drinking bars and night clubs if appropriate.

- Summarise the licensing authority's opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which it would likely be inconsistent with the licensing authority's duty to promote the licensing objectives to grant.

5. Key Policies and Considerations

- 5.1 The proposals concern the Council's Statement of Licensing Policy under the Licensing Act 2003.

6. Conclusion

- 6.1 That the policy is submitted to Full Council on 31 March 2021 with a recommendation that the policy be approved and adopted with effect from 1 April 2021.