

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 5 December 2022

Subject: Licensing Update

Report of: Director of Planning, Building Control & Licensing

Summary

This report presents the Committee with a topical update on matters relevant to the licensing functions of the Council.

Recommendations

Members are asked to note the contents of the report.

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

Our Manchester Strategy Outcomes	Summary of how this report aligns to the OMS
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises play a significant role in the city's economy and in attracting investment. It is also a key employer, particularly of young people
A highly skilled city: world class and home grown talent sustaining the city's economic success	Promoting training and qualifications for people working in licensed premises contributes to developing the skills of people in the city.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Any member of the community can engage with the licensing process through making a representation.
A liveable and low carbon city: a destination of choice to live, visit and work.	Licensed premises often operate alongside to residential accommodation. Ensuring licensed premises are safe, well-run and properly regulated positively contributes to the liveability of the city

A connected city: world class infrastructure and connectivity to drive growth	Licensing policy aims to support and enable economic growth for compliant businesses
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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):

None

1. Introduction

- 1.1. This report provides the Licensing Committee with a topical update on matters relevant to the licensing functions of the Council.

2. Government response to The Licensing Act 2003: post-legislative scrutiny Follow-up report

- 2.1. Members may be aware that in 2017, the House of Lords Select Committee on the Licensing Act 2003 conducted post-legislative scrutiny of this particular legislation. Its report provided over 70 conclusions and recommendations.
- 2.2. Following this, in November 2017 the Government issued their response to the report, which resulted in little legislative change and a few changes to the Statutory Guidance.
- 2.3. Earlier this year, the House of Lords Liaison Committee's produced a follow-up report to the responses commenting on the progress and recommending 25 additional changes.
- 2.4. The Government has now issued its response to that follow up report and sets out their position including conclusions and recommendations. Notable responses are summarised below:
 - The Government does not intend to introduce any additional mechanism to enable planning and licensing to work together, but will review the s182 Guidance with a view to strengthening advice on local coordination and the expectations of the local systems further;
 - The Government agrees with the Committee's recommendation that the 'Agent of Change' principle should be adopted in the section 182 Guidance and that it should be incorporated to reflect the National Planning Policy Framework. It will be included in a revision of the section 182 Guidance to be published later this year.
 - There is no intention to introduce a formal minimum standard for training for councillors nor put in place prohibitions on participation on a licensing committee.
 - There should be a trial merger of Licensing Committees and Planning Committees. This is not a merger of licensing and planning law that is recommended, but rather Councillors who sit on Planning Committees consider licensing applications using the procedures and practices, and with the same support that they already have to deal with planning applications. The recommendation is that this proposal should be trialled in a few pilot areas;
 - It has rejected calls for the law to be amended to require that an application for a premises licence should be accompanied by a disabled access and facilities statement. The Government is satisfied the Equality Act 2010 already provides robust protections for disabled people who may encounter difficulties in accessing licensed premises. However, they have commissioned a full review of Building Regulations, relating to access to and use of buildings;

- There will be a consultation on the level of a late night levy for late night refreshment premises, but the Government will not consult on the impact of the levy generally.
- The Government does not intend to introduce licensing provisions to airside at airports.
- Work is being undertaken to identify the most effective way of delivering a national database of personal licence holders.

2.5 Officers continue to work with colleagues in Planning to ensure, as far as possible, that we are developing effective working practices to mitigate against the risk of conflicts between related planning and licensing applications, noting the challenge will always exist given the nature and different considerations of the two regimes.

3. Martyn's Law update

3.1. Since Manchester's pilot ACT (Action Counters Terrorism) training session for operators and staff at licensed premises in October 2021, over 900 people from over 300 businesses have attended.

3.2. This training was introduced as part of the Council's work to implement Martyn's Law within the licensing system and continues to be in demand. Sessions have concluded for this year and will resume in February 2023.

3.3. The Government is yet to announce further news on the Protect Duty, which is the legislation proposed to implement Martyn's Law.

3.4. Former Labour home secretaries Jack Straw, David Blunkett, Charles Clarke and Jacqui Smith, and ex-Conservative home secretaries Amber Rudd, Sajid Javid and Priti Patel wrote to Prime Minister Rishi Sunak to urge him to bring forward the legislation without delay.

3.5. That letter follows another from senior police officers including Anil Basu, former head of UK counter-terrorism policing, and British Transport Police chief Lucy D'Orsi among the signatories, about the delay in introducing a security law in the wake of the Manchester Arena bombing.

3.6. The letter, also signed by relatives of terrorism victims, said a delay in introducing a law to improve security at public venues is "dangerous".

4. Manchester Arena Inquiry

4.1. The Chair of the Manchester Arena Inquiry, the Hon Sir John Saunders, has issued Volume 2 of the report of the public inquiry into the attack on the Manchester Arena

4.2. This report sets out the chair's findings and recommendations on the emergency response to the attack. Sir John pays tribute to 'heroic acts by numerous people'.

- 4.3. The report goes on to focus on determining what went wrong and why, making recommendations to try to ensure that they do not go wrong again.
- 4.4. Relevant to licensing, the Chair raises concerns around the levels of event healthcare services that are required for any events. He recommends that a standard should be set by the DHSC (Department for Health and Social Care) and the standard should be put on a statutory footing and capable of enforcement by a regulator. In the meantime, before such change could be implemented, he considers that the licensing regime can play a role and recommends:

R137 The Department for Levelling Up, Housing and Communities should review the guidance given to all licensing authorities on the decisions they make in relation to venues that hold events, and on what level of event healthcare services may be required at the events likely to be held at those venues. The guidance should indicate appropriate licence conditions to be used. The licensing authorities should then impose conditions accordingly or make those standards a requirement of meeting existing conditions

- 4.5. Other recommendations are that
 - The SIA take steps urgently to devise a training scheme in first responder interventions that educates all of those licensed with it, both existing licensees and applicants for a licence (R140)
 - The SIA take steps to encourage the security industry generally to ensure that even those members of staff who do not require an SIA licence develop skills in basic trauma care (R141)
 - The Home Office take the action available to it to ensure that all of those licensed or to be licensed by the SIA have appropriate first aid training (20.190)
 - The Home Office and the Department of Health and Social Care should consider how to ensure Public Access Trauma kits are available in all locations where they are most likely to be needed (R147).
 - The Home Office, the Department of Health and Social Care, the Department for Transport and the Department for Levelling Up, Housing and Communities should conduct a review to ensure that stretchers that are appropriate in design and adequate in numbers are always available for use by the emergency services and in appropriate locations in the event of a mass casualty incident (R148).

5. Licensing Policy Review

- 5.1. The revised Statement of Licensing Policy is in the final stages of drafting and undergoing legal review. Following this, it will need to be approved to go out to public consultation by the Licensing Policy Committee.
- 5.2. The revised Policy will be cognisant of the 'Agent of Change' principle in anticipation of this being incorporated into guidance and acknowledging that this is best working practice. It will also incorporate the principles of Martyn's

Law and provide updated guidance to venues on relevant security considerations.

6. Gambling update

- 6.1. In 2020 the GMCA was successfully awarded £750,000 by the Gambling Commission, from a regulatory settlement, to fund a three-year programme to prevent and reduce gambling related harms in GM. This funding is partly used to fund a programme manager to lead this work and has been used to fund various interventions to reduce harm from gambling in GM. This is the first city-region approach to reducing gambling harms and sits within the GMCA's public service reform portfolio.

The first GM Gambling Harms needs assessment was published earlier this year. This document brings together the best available local and national evidence to describe the extent and impact of gambling related harms in Greater Manchester. Harms associated with gambling include mental ill health, relationship breakdown, poor performance at work or school and financial difficulties. The full report is available online at: <https://www.greatermanchester-ca.gov.uk/media/6253/gambling-harms-in-gm-needs-assessment-may-2022.pdf>

- 6.2. Headline findings are:

- **One in 15** Greater Manchester residents are experiencing the harmful impacts of gambling, when harms experienced by children, friends and families are considered
- There are **18,100 adults** experiencing problem gambling living in Greater Manchester. This is 1.5x higher than the national average
- The estimate economic burden of gambling across Greater Manchester is **at least £80million in 2022**
- Gambling can have **serious consequences** for finances, relationships and health
- Greater Manchester Police respond to at least one incident per week where serious concern has been raised of a **risk of suicide** directly associated with gambling
- A quarter of residents who gamble report **going without food** because of a lack of money
- There are **multiple social, environmental and commercial influences** which drive gambling related harms

- 6.3. The 'Odds Are They Win' campaign has been launched across Greater Manchester to raise awareness of the harms linked to gambling by highlighting some of the tactics used by the gambling industry and to make people aware of the risks they face when they gamble.

- 6.4. Details of the campaign including promotional resources are available online at: <https://greatermanchester-ca.gov.uk/what-we-do/health/gambling/odds-are-they-win/>

7. Recommendation

7.1. The Committee is asked to note the report.

8. Key Policies and Considerations

8.1. The details in the report relate the Council's policies under the Licensing Act 2003 and Gambling Act 2005.