

**Manchester City Council
Report for Resolution**

Report to: Licensing Committee – 23 October 2023

Subject: Statement of Licensing Policy 2023-2028

Report of: Director of Planning, Building Control and Licensing

Summary

The Report presents a proposed final revision of the Statement of Licensing Policy under the Licensing Act 2003 to be presented to the Licensing Policy Committee.

Recommendations

- i. To review the responses received to the consultation and the proposed changes to the policy
 - ii. To make any recommendations to the Policy Committee on final content of the policy
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Wards Affected: All

Environmental Impact Assessment - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city

This policy seeks to support related strategies to help businesses recognise the need for sustainability and carbon reduction within in their operations; the policy raises awareness and encourages responsible and socially conscious practices.

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	Licensable activity provides a key role in supporting the city's economy. A successful licensing regime integrates fully with place making strategies to ensure sustainable growth, safe and well-run businesses, good employment opportunities and a diverse and vibrant social offer that in turn attracts further investment and visitors to the city. The Licensing Policy plays an essential role in establishing the relevant considerations and standards by which licensable activity will be permitted and operated in the City. The policy aims to support effective decision making to ensure that only premises that are well-run and appropriate to the nature of the surrounding neighbourhood are

	licensed; thereby positively contributing 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	The Policy outlines the expectations of licensed businesses and encourages these to operate safely and successfully, for both patrons and employees; thereby supporting the city's Work and Skills Strategy.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Policy provides a framework by which operators and decision makers should consider the contribution each licensed business can make to the local community whilst promoting the licensing objectives. The Policy also outlines the expectation that licensed businesses will have due regard for equality and inclusivity in its policies, procedures and staff training.
A liveable and low carbon city: a destination of choice to live, visit and work.	The Policy is cognisant of the varying needs and profiles of the city's neighbourhoods and provides a framework by which operators and decision makers should consider the contribution each licensed business can make to the local community whilst promoting the licensing objectives to prevent crime, disorder and public nuisance and ensure public safety and the protection of children from harm. The Policy encourages operators to be socially conscious and operate sustainably.
A connected city: world class infrastructure and connectivity to drive growth	Licensable activity plays an important role in ensuring an economically successful City. 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

The following documents include or disclose important facts on which this report relies or refers to. Copies of the background documents are available up to 4 years after the date of the meeting. Copies can be obtained via contact with one of the officers above.

Manchester City Council Licensing Policy 2021-2025
Licensing Act 2003
Guidance issued under section 182 of the Licensing Act 2003

1. Introduction

- 1.1 The Licensing Act 2003 came into effect on 24 November 2005. It covers the following licensable activities:
 - Sale or supply of alcohol
 - Provision of regulated entertainment
 - Provision of late night refreshment
- 1.2 The Act requires each Licensing Authority to publish a statement of licensing policy to show how it intends to achieve the four licensing objectives. As members are aware, these are:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm.
- 1.3 Members will be aware that our licensing policy is a statutory consideration in determination of all licensing applications where relevant representations are received.
- 1.4 We have carried out a review of the policy and undertaken a public consultation. The responses to the consultation are attached at Appendix 1.
- 1.5 The revised version of the policy is attached at Appendix 2.
- 1.6 Subject to any further required amendments and approval of the Licensing Policy Committee, it is intended to present the policy to the Council on 29 November 2023 to approve the publication of this policy.
- 1.7 Members will be aware that the policy is published for a five-year period although the licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.

2. Policy Summary

- 2.1 The policy aims to recognise there are benefits and risks associated with concentrations of licensed premises in an area. This is referenced in the policy as 'clusters'.
- 2.2 The benefits and risks are influenced by a number of factors associated with the mix of venues; such as the operating styles, the number and density, the demographics those venues potentially appeal to, operational measures in places at venues e.g., security arrangements, training; the nature of the location and the hours of operation.
- 2.3 Consequently, the prospective opportunities and pre-existing challenges vary on an area-by-area basis. The draft policy aims to recognise and highlight these local issues where possible. Equally, the policy aims to promote a vibrant and diverse licensed economy with a range and balance of different venues. The intended benefits of this approach are to broaden the appeal of the city's licensed economy to support growth, widen the range of participants, and promote the sustainable development and growth of the city.

- 2.4 A core principle of the policy is to outline that the hours of operation should be considered in relation to divergent phases of the night time economy:
- Twilight (5pm to 7pm)
 - Evening economy (6pm to 10pm)
 - Night Time Economy (9pm to 1am)
 - Late night economy (12am midnight to 4am+)
- 2.5 The policy is intended to be flexible and enable the consideration of applications having regard to their respective merits. However, in certain circumstances and specific areas, it provides a more rigid approach as deemed necessary to promote the licensing objectives.
- 2.6 There are a number of relevant issues that have emerged and changes to the way the social economy operates since the last policy was fully revised. The level of risk associated with any licensed premises is influenced by various intersecting factors and many businesses now operate much more flexibly with a variety of offerings to patrons sometimes also changing primary offerings at different operational hours. As such, this draft policy seeks to acknowledge this changing nature of the city's licensed economy and moves away from more traditional categorisation of venues; instead, it seeks to understand the primary nature of the venue; encouraging applicants to clearly and transparently set out how the business will and intends to operate throughout the day and night. This will facilitate a much more bespoke consideration of how licensing controls and conditions can best manage associated risks
- 2.7 The policy has been revised to provide clearer guidance to applicants, responsible authorities and decisions makers in relation to how applications should be considered; this is having regard to the overall within the vision for the city and the context of the specific location in which the business will operate. As such, the policy outlines area profiles for various parts of the city and any special policy approaches relevant to specific locations are set out where applicable.
- 2.8 Pre-consultation was carried out with the Responsible Authorities, Ward Members, as well as colleagues in Growth & Development and Neighbourhood services, to help inform a future policy and identify any issues of concern at a local neighbourhood level relevant to licensable activity under the Act.
- 2.9 Analysis of crime and anti-social behaviour data (including that which is alcohol related) has been carried out to also help inform area profiles and underpin the general policy approach, including the consideration of any special policy areas. Data and feedback provided in a city centre survey of visitors to Manchester conducted in 2019 was also reviewed against this policy's alignment with the vision for the city and area profiles. The area-based policies can be found at section 6 of the draft Statement of Policy.

3. Legislative changes and emerging issues

- 3.1 There are several issues that have gained further prominence since the last policy took effect, namely; Martyn's Law and consideration of counter

terrorism security measures at licensed premises; Agent of change; spiking, vulnerability in the NTE, women's safety, water safety and the increase in delivery services. These have been outlined and addressed within the draft policy to enable all relevant parties to understand what considerations they should make in each regard.

4. Review of current special policies

- 4.1 The previous statement of policy provided some area-based special policies for Ancoats, Fallowfield and Withington; all which differed in format. The revised policy retains special policy approaches for those areas but proposes a more consistent format for any area-based special policies.
- 4.2 It is proposed to move away from a blanket presumption against all new licences and variations in Fallowfield. Instead, the approach set out provides greater consideration to lower-risk venues to promote a better balance of licensed venues in the local economy. Having regard to issues of litter, cleanliness and rowdy and inconsiderate behaviour in the locality, presumptions against riskier late-night, alcohol-led uses are proposed, as well as further takeaways and off licences to avoid exacerbating issues arising from the existing proliferation of such businesses in the area. However, consideration may be given to licences for delivery-only services, subject to satisfactory safeguards being demonstrated.
- 4.3 Parts of the city centre experience higher levels of issues, particularly during later hours, and so it is proposed to adopt stricter approach against further late-night alcohol-led venues around Peter Street, the Village and Deansgate Locks with a view to promoting the diversification of the nightlife in these areas.

5. Consultation Strategy

- 5.1 The draft Statement of Policy was published on the Council's website for consultation for a period of 8 weeks.
- 5.2 In accordance with s5(3) of the Licensing Act, we consulted with:
- The Chief Officer of Police for Manchester
 - The Fire and Rescue Authority
 - Director of Public Health for Manchester
 - Persons/bodies representative of local premises licence holders
 - Persons/bodies representative of local club premises certificate holders
 - Persons/bodies representative of local personal licence holders
 - Persons/bodies representative of business and residents in the licensing authority area
- 5.3 The consultation was also publicised on the Council social media channels and the following individuals/groups with a particular interest/role in supporting the delivery of the Policy directly:
- All Responsible Authorities in accordance with the Licensing Act
 - MCC's Events Unit, ASBAT and Highways departments
 - Ward Members and Neighbourhood officers

- Premises providing licensable activities able to receive the Licensing Unit's electronic licensing newsletter
- Representatives of licence holders e.g., licensing solicitors
- Trade Associations, including Cityco
- Resident Associations and Community Groups
- Subscribers to the licensing ward notifications list

5.4 Licensing Officers also attended local area network licensing meetings during the consultation period to present the consultation to licensees.

6. Responses to the consultation

6.1 A total of 41 responses were received using the council's consultation portal at <https://www.manchester.gov.uk/consultations> and directly via email to the Licensing Unit.

6.2 The respondents were a mix of residents, residents groups, councillors, responsible authorities and other council departments, licensed operators and their agents.

6.3 Details of the responses received are provided in Appendix 1.

6.4 Key issues raised in the responses include:

- Greater emphasis should be given to the rights and needs to local residents in residential areas
- Issue of delivery drivers/riders and how this can be addressed
- Clarification on what is and is not 'exceptional circumstances' for special area policies.
- Restrictions on locations of defined smoking areas
- Delivering on commitments of Women's Safety Charter
- New section of 'entertainment-specific requirements',
- Noise impacts, particularly from outdoor and rooftop terraces
- Tighter cleansing requirements and removable of 'biodegradable packaging
- Revised fire safety compliance

6.5 Criticisms of the draft policy were:

- Document too lengthy to be accessible for residents
- Suggested use of DICS/NITENET is too expensive for independent venues.
- Concerns of proportionality in respect of Martyn's Law
- Role of police to enforce drugs laws – venues to focus on safety
- Need for improved engagement and awareness with local residents

6.6 A copy of the draft policy highlighting changes made is attached at Appendix 2.

6.7 Key changes include:

- Section 2 has been merged with previous Section 15 (Determining applications) to present the decision-making considerations at an

earlier stage of the document. In turn, it is hoped that this will then enable readers to home in on those subsequent sections most relevant to them.

- Section 5: Steps rephrased to improve clarity and revised to ensure comprehensiveness
- Restructured Section 2 to incorporate previous Section 6 (General approach to determining applications) to give a more direct approach.
- Addition of detail on what might constitute an exception to any special local area policies (Section 6)
- Area profiles updated with additional detail e.g. recognition of recent closures on Deansgate Locks, increased prominence of Bridge Street, and including relevant area boundaries
- Section 4 – clarification around expectations of venue ‘Plan of Management’
- Updates to responsible authority contact details in Appendix B
- Additional information in Appendix E around consideration of representations

7. Fallowfield and Withington

- 7.1 The majority of responses to the area-based policies were in response to Fallowfield and Withington.
- 7.2 The majority of responses are from (or on behalf of) local residents for the need for restrictions on licensed premises as a result of problems arising . It is important to distinguish between problems arising from the operation of licensed premises and antisocial behaviour in residential areas caused by local residents outside of the scope of the licensing regime. There are also responses arguing against blanket restrictions and prohibitions against licensed premises in this area.
- 7.3 As stated in the policy, we have seen the successful development of areas subject to strict controls around the operating hours and it is intended to apply this approach to other areas.
- 7.4 The policy for Fallowfield and Withington are proposed to ensure that there is some increased scope for applications to be granted, subject to limitations. There is also concern about saturation of hot food takeaways and issues of litter arising from them. It is recognised that in Fallowfield, there is a need to diversify the local sociable economy and there is a recognised local support for ensuring this.
- 7.5 Similarly, in Withington, there is support for ensuring that there are opportunities for good operators to flourish and to promote vibrancy, within reason. The proposed NTE policy for Pubs, clubs and bars, including other primarily drinking establishments: changed from ‘Policy is to refuse except in exceptional circumstances’ to “Applications will be considered on their merits having regard to the local area objectives”

7.6 Clarification added where considering application is on merit, that it will factor in the local area objectives (as set out in the policy) to ensure local priorities are assessed through the licensing process.

8. Changes to Night Time Economy phases in Section 3

8.1 Consideration has been given to the phases identified (Twilight/Evening Economy/NTE/Late Night Economy) but it is proposed to retain them as originally proposed. There was no strong or definitive response in the consultation. As the policy states, these phases and the associated timescales will be kept under review. This section has been updated, however, to recognise that consideration of other time periods, particularly start times, will also be relevant.

9. Key Policies and Considerations

a) Equal Opportunities

No further considerations for this report.

b) Risk Management

No further considerations for this report.

c) Legal Considerations

There are no legal considerations other than those already highlighted within the report.

10. Conclusion and Recommendations

- 10.1 The Committee is asked:
- i. To review the responses received to the consultation and the proposed changes to the policy
 - ii. To make any recommendations to the Policy Committee on final content of the policy