

MANCHESTER CITY COUNCIL

REPORT FOR INFORMATION

COMMITTEE: Social Strategy Overview and Scrutiny
DATE: 8th March 2006
SUBJECT: Implementation of the Licensing Act 2003
REPORT OF: Deputy Chief Executive (Performance)

PURPOSE OF REPORT

To provide Members with a progress report on the implementation of the Licensing Act 2003.

RECOMMENDATIONS

That Members note the report.

FINANCIAL CONSEQUENCES FOR THE REVENUE BUDGET

None at present

FINANCIAL CONSEQUENCES FOR THE CAPITAL BUDGET

None at present

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BACKGROUND DOCUMENTS

Report to SSOSC 16 November 2005

WARDS AFFECTED

All

IMPLICATIONS FOR KEY COUNCIL POLICIES

Anti Poverty
Yes

Equal Opportunities
Yes

Environment
Yes

Employment
Yes

1. Introduction

1.1 The Licensing Act 2003 came into effect on 24 November 2005. The four objectives of the Licensing Act are:

- Prevention of public nuisance
- Public safety
- Prevention of crime and disorder
- Protection of children from harm

1.2 In Manchester the view has been taken that it is important to get new licences right from the start so that a balance is struck between protecting citizens and allowing well managed premises - that won't cause disturbance for the communities of which they are a part - to open later.

1.3 Environmental health and the police have been very proactive in making representations on licence applications and negotiating enforceable conditions with the applicants to ensure that this balance is achieved. Applicants are in the main happy to accept the conditions.

2. Current licensing status

2.1 Pubs and Bars

Prior to the new Licensing Act coming into effect fears were expressed that most licensed premises would apply for 24 hour alcohol sales. This has not materialised in Manchester and to date only 12 premises have been granted licences permitting 24 hour alcohol sales.

Out of 1888 applications received to date 805 have applied simply to convert the hours they already had with 582 applying for variations. The remaining 501 applications are new applications. These are mainly for premises that were not previously licensed such as takeaways. Some of the new applications were from premises that did not convert in sufficient time and have had to make a full application. In the suburbs most premises who have applied for later opening hours have been granted between an additional 0.5 – 1 hours during the week with an additional 1–2 hours extra at the weekend. In the City Centre 40 premises have been granted permission to serve alcohol beyond 4am and this includes 2 premises granted 24 hours (the Cornerhouse, and Booze Direct – a warehouse)

2.2 Off Licenses

Very few off licenses (22) have applied to extend their hours. Twelve have applied to open earlier in the morning rather than later. In respect of conversions i.e. no change to hours, only the police could make representation (object). To date only 9 supermarkets have requested 24 hours alcohol sales and 4 of these (ASDA Hulme, ASDA Eastlands,

Tesco East Didsbury, and Tesco Sharston) have been granted 24 hour licenses.

2.3 Late Night Takeaways

Late night takeaways serving hot food after 11pm now have to be licensed by the local authority. Again Environmental Health has made representations where there are concerns that late opening will cause a public nuisance. Applicants have in the main agreed to have conditions attached to their licenses such as preventing noise from people entering and leaving, preventing people loitering outside the premises, keeping outside the premises clean and not putting rubbish out between certain hours.

2.4 Appeals

To date there have been 31 appeals against decisions made by the Licensing Sub-Committee, 25 of which have been completed. Appeals have been dealt with in one of 3 main ways: agreement reached pre-hearing (9 cases); appeal going to hearing (6 cases) or the appellant withdrawing their appeal prior to the hearing (7 cases). Of the 3 other completed appeals, 2 were made because of administrative issues - the Tatton Arms being remitted back to the Sub-Committee and ASDA Hulme one which the Council decided not to contest in light of the result of the ASDA Eastlands appeal (see below).

The majority of appellants have been premises/breweries appealing against the hours granted or conditions imposed. Where there have been no resident representations a compromise has been reached on hours and/or conditions to the satisfaction of all parties. Where there have been resident objections, these appeals have gone to hearing. Of those 6 that have gone to hearing, 4 were granted an extension to hours by the Magistrates, who have tended to look for a compromise midway between the appellant's and Council's positions.

In the other 2 cases, one (ASDA Eastlands) was upheld by the Magistrates, and in the other case negotiations were only completed just before the hearing and on successful negotiation the case was withdrawn from court.

3. Enforcement of the Licensing Act

- 3.1 A proactive and joined up approach has been taken to enforcement of the Licensing Act 2003 by the key enforcement agencies. As previously reported to this committee Safer Stronger Communities Funding (SSCF) was secured to fund a night time enforcement service so that any problems arising from the implementation of the Licensing Act could be dealt with immediately rather than waiting till the next day. This team of Environmental Health and Licensing Officers has worked effectively with Trading Standards and the Police in planning and delivering enforcement of the Licensing Act. A significant amount of joint activity has taken place since 24 November 2005. This activity has been targeted at premises where we have concerns that problems may exist

either from a history of previous complaints or intelligence from the police, Elected Members, Local Tasking Meetings, Ward Co-ordinators etc. The enforcement activity has been co-ordinated through the Alcohol Misuse Enforcement Campaign (AMEC) which is also the subject of a report to this Committee. New approaches to enforcement such as attempting underage test purchasing in pubs and the use of fixed penalty notices to staff selling alcohol to children have been tried.

Appendix 1 details the enforcement activity undertaken by Environmental Health and Trading Standards in relation to implementation of the Licensing Act.

Progress has been made in the key objective of protecting children from harm with the number of premises selling alcohol to children falling dramatically within the first few weeks of the Licensing Act coming into effect. Issuing fixed penalty notices to those selling alcohol to under 18s appears to have been a particularly effective deterrent as no doubt the word has quickly spread amongst bar staff that it's simply not worth it.

The joint action has resulted in good working relationships being established between agencies and significant progress made towards licensed premises across the city being managed responsibly and complying with licence conditions during extended opening hours.

- 3.2 The need for enforcement activity is, to an extent, seasonal. The run up to Christmas was extremely busy but January and February have been fairly quiet both in the City Centre and the suburbs. The next key challenge will be the summer months when the need for enforcement action is likely to increase. Noise from outside drinking areas (beer gardens) has not yet been a particular problem but as people take advantage of the lighter, warmer summer nights use of beer gardens and premises opening windows and doors during regulated entertainment are likely to become issues. Funding to enable night time enforcement to continue has been secured through Neighbourhood Renewal Fund.

4. Conclusion

The proactive, cross agency, co-ordinated approach taken in respect of licensed premises has enabled problems to be dealt with as they arise. This has included educating licensed premises about their responsibilities, informal warnings and serving statutory nuisance noise abatement notices. The police have increased the use of fixed penalty notices for low level public order offences and drunkenness. As a result there has been a decrease in all violent crime and in particular serious violent crime.

Appendix 1

Outputs from 18th November to 20th February

Output	Output Definition	Total	Comment
Licensed premises visited by Environmental Health	Pubs, nightclubs, takeaways, off licenses (Citywide)	1467	The total figure includes revisits to premises to ensure that they are complying with any advice given or enforcement action taken
Joint operations with Police	Joint visits to licensed premises identified above	90	Joint operations with police.
Complaints resolved	Complaints received from public/Councillors etc regarding problems caused during later licensed hours	27	
Enforcement activities undertaken	Notices served, Reviews requested, Warnings issued, Referrals to Planning, Referrals to Nuisance Strategy Team, Referrals to Police	<ul style="list-style-type: none"> • 43 notices served • 46 warning letters issued • 6 referred to GMP • 12 referred to Licensing Unit • 1 referred to Transco • 7 monitoring visits arranged from complainant's accommodation • 1 referred to Fire Service 	
Trading Standards: Underage sales on-licences	Attempts Sales	11 8	
Trading Standards: Underage sales off-licences	Attempts Sales	88 19	