

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 31 August 2010

Subject: Licensing (Premises) applications granted from 1 April to 30 June 2010

Report of: Head of Street Management and Enforcement

Summary

To inform the Committee of decisions made in relation to applications managed by the Premises Licensing Team.

Recommendations

That Members note the report.

Wards Affected:

All

| Community Strategy Spine | Summary of the contribution to the strategy |
|---|--|
| Performance of the economy of the region and sub region | 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, play an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region. |
| Reaching full potential in education and employment | |
| Individual and collective self esteem – mutual respect | |

| | |
|--------------------------|--|
| Neighbourhoods of Choice | The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. 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. |
|--------------------------|--|

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):

The individual licence applications and associated documentation disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of these documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

1.0 Introduction

- 1.1 This report provides the Licensing Committee with information on the decisions taken in respect of premises licence applications. The information included within the report provides an overview in respect of the full range of premises licensing but the majority of the applications relate to premises involved in the sale of alcohol.

2.0 Background

- 2.1 The Licensing Unit's Premises Team is responsible for the administration of licence applications submitted in respect of the Licensing Act 2003 and the Gambling Act 2005.
- 2.2 Where a representation is made (and not withdrawn) against a licensing application under either of these Acts, it must be considered by a Sub-Committee, which acts under delegated authority from the Licensing Committee. If agreement is reached between the applicant for the licence and those persons who have made representations, the matter is passed to the Sub-Committee for determination in order to formalise the agreement. Where there is not unilateral agreement, the application is decided by the Sub-Committee following a public hearing.
- 2.3 When no representations are made against an application, the application must be granted as applied for and authority to do this is delegated to officers.
- 2.4 This report provides Members of the Licensing Committee with information on all applications considered not only by the different Licensing Sub-Committees but also those granted under delegated authority by officers.

3.0 Licensing Act 2003

- 3.1 The Licensing Act 2003 came into effect on 24 November 2005. It covers premises providing the following licensable activities:
- The sale or supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment

New Premises Licences

- 3.2 Between April and June 2010, the Licensing Authority determined a total of 37 new premises licence applications. 35 of these resulted in licences being granted. 2 applications were refused by the Licensing Sub Committee following public hearings.
- 3.3 Of the 35 granted licences, 10 were granted following determination by the Licensing Sub-Committee as agreement was reached between all parties. 19 licences were granted following decisions made by the Licensing Sub-

Committee. 6 were granted under delegated authority by officers, as no relevant representations were made against the applications.

- 3.4 One appeal has been made in respect of a decision to refuse an application in April for Murphy's Beer and Cocktail Bar at Unit 1 Victoria Building, Dantzic Street located in the City Centre. This appeal is currently pending a hearing at the Magistrates' Court.

Table 1 – Premises Licences (New)

| | |
|--------------------------|----|
| Total applications | 36 |
| Granted by Determination | 10 |
| Granted by LSC Decision | 19 |
| Granted by Officers | 6 |
| Refused by LSC Decision | 2 |
| Decisions Appealed | 1 |

Premises Licence Variations

- 3.5 A total of 10 applications for variation to licensable activities of premises licences were received during the quarter.
- 3.6 4 applications were granted by determination. 4 were granted by decision of the Licensing Sub-Committee. Officers granted 2 applications under delegated authority. No applications were refused.
- 3.7 No appeals were made in respect of any of the above decisions.

Table 2 – Premises Licences (Variations)

| | |
|--------------------------|----|
| Total applications | 10 |
| Granted by Determination | 4 |
| Granted by LSC Decision | 4 |
| Granted by Officers | 2 |
| Refused by LSC Decision | 0 |

Temporary Event Notices

- 3.8 Between April and June a total of 135 Temporary Event Notices (TENs) were submitted to the Licensing Unit.
- 3.9 11 objections were received from Greater Manchester Police. Of these, 5 resulted in the modification of the Notice with the agreement of the Police. 6

were granted at a hearing by the Licensing Sub-Committee. The remaining 124 were acknowledged by the Premises Team on behalf of the Licensing Authority.

Table 3 – Temporary Event Notices

| | |
|--------------------------------|-----|
| Total Notices received | 135 |
| Acknowledged by Officers | 124 |
| Granted by LSC Decision | 6 |
| Modified in agreement with GMP | 5 |
| Refused by LSC Decision | 0 |
| Decisions Appealed | 0 |

Premises Licence Transfers

- 3.10 Between April and June 2010, a total of 43 Premises Licences were transferred. No objections were made by Greater Manchester Police to any applications and so all were granted under delegated authority by officers.

Variation of the Designated Premises Supervisor

- 3.11 Between April and June 2010, a total of 124 premises licences were varied to specify a new Designated Premises Supervisors. All were granted under delegated authority by officers. An objection was received from Greater Manchester Police against one application which resulted in the application being withdrawn prior to a hearing.

Premises and Personal Licence Reviews

- 3.12 There were two reviews of premises licence during the quarter.
- 3.13 One was a review following a closure order in respect of The Millstone, 67 Thomas Street in the Northern Quarter. Following the review, an additional condition was attached to the licence in respect of providing door supervisors at the premises.
- 3.14 The other was a Summary Review in respect of The Valley public house in Glendower Road in Cheetham. As an interim measure pending the full review, the licence was suspended. At the review, the hours for licensable activities were restricted, the Designated Premises Supervisor was removed, Late Night Refreshment was removed from the licence, and additional licence conditions were attached.

Surrendered / Lapsed Licences

- 3.15 14 Premises licences were surrendered by the respective licence holders between April and June 2010.

3.16 3 Premises licences lapsed due to the licence holder becoming insolvent.

Personal Licences

3.17 Between April and June 2010, a total of 96 personal licences were granted. All were granted under delegated authority by officers.

4.0 Gambling Act 2005

4.1 The Gambling Act 2005 came fully into force in September 2007. It introduced a new system of licensing and regulation for commercial gambling which, amongst other changes, gave licensing authorities new and extended responsibilities for licensing premises for gambling.

Premises Licences

4.2 Premises licences granted by the Licensing Authority may authorise the provision of facilities on:

- casino premises;
- bingo premises;
- betting premises, including tracks;
- adult gaming centres; and
- family entertainment centres.

4.3 Except in the case of tracks (where the occupier of the track who gets the premises licence may not be the person who actually offers the gambling) premises licences may only be issued to people with a relevant gambling operating licence (issued by the Gambling Commission). For example, to obtain a bingo premises licence the applicant must hold a bingo operating licence. Premises licences are transferable to someone else holding a valid operating licence.

New Premises Licences

4.4 3 new licence applications were granted during this quarter in respect of betting shops. No representations were received and so were granted under delegated authority by officers.

Premises Licence Variations

4.5 There was one application for variation received during this quarter in respect of Manchester 235 Casino. No representations were received against the application and it was granted under delegated authority by officers.

Premises Licence Reviews

- 4.6 There were no reviews of any premises licences during this quarter.

Transfer of a Gambling Premises Licence

- 4.7 There were no transfers of any premises licences during this quarter.

Surrendered / Lapsed Licences

- 4.8 There were no premises licences surrendered during this quarter.

Permits / Notifications / Small Society Lotteries

- 4.9 The 2005 Act introduced a range of permits for gambling which are granted by licensing authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 4.10 Holders of alcohol-licensed premises gaming machine permits and club permits are required to comply with codes of practice, drawn up by the Commission, on the location and operation of machines.
- 4.11 The following are the various permits that the licensing authority is responsible for issuing:
- Part 24 – family entertainment centre gaming machine permits
 - Part 25 – club gaming permits and club machine permits
 - Part 26 – alcohol-licensed premises gaming machine permits
 - Part 27 – prize gaming permits
- 4.12 It is only possible to grant or reject an application for a permit as no conditions may be attached to a permit.
- 4.13 During the quarter, 10 applications for permits were granted under delegated authority as no objections were made.
- 4.14 Licensing authorities are also responsible for receiving, from holders of alcohol-licensed premises (under the 2003 Act), notifications that they intend to exercise their automatic entitlement to two gaming machines in their premises under section 282 of the Act. Such applications are made to the authority upon the expiry of their 3 yearly permit issued under the previous licensing regime.
- 4.15 During the quarter, 17 notifications under section 282 were received and acknowledged by the Licensing Unit.

- 4.16 The Gambling Act 2005 requires the local authority to register non-commercial societies who wish to conduct fund-raising lotteries. It is possible to refuse a registration based on certain criteria as defined in the Act. One example is if the Authority is not satisfied the society in question cannot be deemed non-commercial.
- 4.17 Six registrations to conduct small society lotteries were granted during the quarter. None were refused.

Table 4 – Permits and Notifications (GA2005)

| Permit Type | Total (granted) |
|--|------------------------|
| Alcohol Licensed Premises Gaming Machine Permit (more than 2 machines) | 6 |
| Alcohol Licensed Premises Gaming Machine Notification (less than 2 machines) | 17 |
| Club Machine Permits | 4 |
| Club Gaming Permits | 0 |
| Small Society Lottery Registration | 6 |
| Transfer of Licensed Premises Gaming Machine Permit | 0 |

5.0 Appeals

- 5.1 One appeal was received this quarter in respect of the decision to refuse the application for a new premises licence in respect of Murphy's Beer and Cocktail Bar (see 3.4 and below).
- 5.2 No appeals have been heard at Manchester Magistrates' Court during this quarter.
- 5.3 There are pending appeal hearings in respect of:

Murphy's Beer and Cocktail Bar, Unit 1, Victoria Building, Dantzic Street

An appeal was submitted to the Magistrates' Court by the applicant following the decision of the Licensing Sub-Committee on 12 April 2010 to reject the application for a new premises licence. The appeal hearing is scheduled for hearing on 26 August at the Court. A verbal update will be given to the Committee if this appeal is concluded on this date.

Royal Wines, 463 Moston Lane

An appeal was submitted to the Magistrates' Court by the licence holder following the decision of the Licensing Sub-Committee on 5 March 2010 to

revoke the premises licence following a review requested by Greater Manchester Police. The appeal hearing is scheduled for hearing on 2 September at the Court.

Bargain Booze, 303 Moston Lane

An appeal was submitted to the Magistrates' Court by the applicant following the decision of the Licensing Sub-Committee on 20 January 2010 to reject the application for a new premises licence. The appeal hearing was originally scheduled to be heard on 12 July although was re-listed for 21 September.

Saki, 2 Wilmslow Road

An appeal was submitted to the Magistrates Court by the licence holder following the decision of the Licensing Sub-Committee on 10 February 2010 to revoke the premises licence following a review requested by Environmental Health. Following initial legal arguments the appeal hearing is now scheduled for hearing on 27 September at the Court.

Oxygen, 4 Chorlton Street

An appeal was submitted to the Magistrates Court by interested parties to the application (local residents) following the decision of the Licensing Sub-Committee on 7 April 2010 to grant the new premises licence subject to reduced hours for licensable activities and the imposition of additional conditions. The Council are joint respondents in this appeal with the licence holder. The appeal hearing is scheduled for a 4 day hearing commencing on 7 December at the Court.

6.0 Contributing to the Community Strategy

(a) Performance of the economy of the region and sub region

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, play an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.

(b) Reaching full potential in education and employment

(c) Individual and collective self esteem – mutual respect

(d) Neighbourhoods of Choice

The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. 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.

7.0 Key Policies and Considerations

(c) Legal Considerations

All applications have to be processed in accordance with the requirements of the legislation. The Licensing Act and Gambling Act are prescriptive in terms of who should be consulted on applications, and the timescales which have to be applied.

8.0 Conclusion

- 8.1 The report provides the Committee with statistical information regarding premises licensing applications processed between 1 April and 30 June 2010. The information provides members with an update and overview of the number of applications being processed and the decisions made in respect of those applications.