

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 21 February 2011

Subject: Licensing (Premises) applications granted from 1 October to 31 December 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, plays 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.
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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):

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 October and December 2010, the Licensing Authority determined a total of 37 new premises licence applications. 36 of these resulted in licences being granted. 1 application was refused by the Licensing Sub Committee following a public hearing.
- 3.3 Of the 36 granted licences, 15 were granted following determination by the Licensing Sub-Committee as agreement was reached between all parties. 14 licences were granted following decisions made by the Licensing Sub-

Committee. 7 were granted under delegated authority by officers, as no relevant representations were made against the applications.

- 3.4 No appeals were made in respect of any of the above decisions.

Table 1 – Premises Licences (New)

Total applications	37
Granted by Determination	15
Granted by LSC Decision	14
Granted by Officers	7
Refused by LSC Decision	1
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 16 applications for variation to licensable activities of premises licences were received during the quarter.
- 3.6 2 applications were granted by determination. 5 were granted by decision of the Licensing Sub-Committee. Officers granted 9 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	16
Granted by Determination	2
Granted by LSC Decision	5
Granted by Officers	9
Refused by LSC Decision	0

Temporary Event Notices

- 3.8 Between October and December, a total of 225 Temporary Event Notices (TENs) were submitted to the Licensing Unit.
- 3.9 15 objections were received from Greater Manchester Police. Of these, 2 resulted in the modification of the Notice with the agreement of the Police. 2 were allowed at a hearing by the Licensing Sub-Committee, 5 counter notices were served meaning the police objection was upheld and the event could not take place and 5 notices were withdrawn by the applicant prior to a hearing

taking place. GMP withdrew 1 objection prior to the hearing taking place. The remaining 210 were acknowledged by the Premises Team on behalf of the Licensing Authority.

Table 3 – Temporary Event Notices

Total Notices received	225
Acknowledged by Officers	210
Granted by LSC Decision	2
Modified in agreement with GMP	2
Counter Notice served	5
Notice withdrawn by applicant	5
Objection withdrawn by GMP	1
Decisions Appealed	0

Premises Licence Transfers

3.10 Between October and December 2010, a total of 40 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 October and December 2010, a total of 118 premises licences were varied to specify a new Designated Premises Supervisors. No objections were made by Greater Manchester Police to any applications and so all were granted under delegated authority by officers.

Premises and Personal Licence Reviews

3.12 There were 12 reviews of premises licences during the quarter.

- 6 reviews under section 51 of the Licensing Act
- 5 summary reviews under section 53A
- 1 review following a closure order under section 167

Applicant for Review	Review Type	Premises Name	Premises Address	Action taken
GMP	Review following Closure Order	Silks	18-22 Lloyd Street, Manchester, M2 5WA	Modification of or conditions added to the licence
GMP	Review of Premises Licence	Area	Ground Floor, 2B Whitworth Street West, Manchester, M1 5WZ	Revocation of the licence
GMP	Review of Premises Licence	Tonic	34 Canal Street, Manchester, M1 3WD	Modification of or conditions added to the licence

GMP	Review of Premises Licence	Queen Anne	817 Ashton Old Road, Manchester, M11 2NL	Modification of or conditions added to the licence
GMP	Review of Premises Licence	California Wines	1419 Ashton Old Road, Manchester, M11 1HJ	Revocation of the licence
Environmental Health	Review of Premises Licence	Bar Lorenzo	56 Beech Road, Manchester, M21 9EG	Revocation of the licence
GMP	Review of Premises Licence	Entourage	Unit 2a, The Printworks, Withy Grove, Manchester, M4 2BS	Modification of or conditions added to the licence
GMP	Summary Review of Premises Licence	Remedy	341-343 Wilmslow Road, Manchester, M14 6XS	Modification of or conditions added to the licence
GMP	Summary Review of Premises Licence	Eagle Hotel	Greenbrow Road, Manchester, M23 2UH	Removal of the designated premises supervisor
GMP	Summary Review of Premises Licence	Baa Bar	258 Wilmslow Road, Manchester, M14 6JR	Modification of or conditions added to the licence
GMP	Summary Review of Premises Licence	The Park Night Club	94-96 Grosvenor Street, Manchester, M1 7HL	Modification of or conditions added to the licence
GMP	Summary Review of Premises Licence	Panacea Bar & Restaurant	Ridgefield House, 14 John Dalton Street, Manchester, M2 6JR	Modification of or conditions added to the licence

Surrendered / Lapsed Licences

3.13 17 Premises licences were surrendered by the respective licence holders between October and December 2010.

3.14 2 Premises licences lapsed due to the death of the licence holder.

Personal Licences

3.15 Between October and December 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 No new licence applications were granted during this quarter in respect of Gambling Premises Licences.

Premises Licence Variations

- 4.5 There was one application for variation received during this quarter in respect of the Bingo premises licence for Gala Club at North City Shopping Centre, Harpurhey. 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 that 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, 4 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, 8 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)	0

Alcohol Licensed Premises Gaming Machine Notification (less than 2 machines)	8
Club Machine Permits	3
Club Gaming Permits	1
Small Society Lottery Registration	6
Transfer of Licensed Premises Gaming Machine Permit	0

5.0 Appeals

5.1 No appeals have been lodged at Manchester Magistrates Court between October and December 2010.

5.2 One appeal has been heard at Manchester Magistrates' Court during this quarter.

Silks, 18-22 Lloyd Street, Manchester, M2 5WA.

5.3 The original decision was to refuse the application to vary the licence to extend the hours for regulated entertainment and the sale of alcohol from (1100 to 0400) to (1100 to 0600) Monday to Sunday, on the grounds of crime and disorder and public nuisance. The appeal, lodged by the licence holder, was heard on 21 October 2010 and was allowed in the following terms:

5.4 Hours for alcohol and regulated entertainment were extended to 0530 hours with a last entry at 0500. Opening hours were extended to 0600 hours. Reasons given by the Court were that the premises had worked reasonably well with Responsible Authorities and the concerns raised by GMP in relation to the CCTV footage had been resolved. GMP accepted this and had described their current system as state of the art. The door supervisor who was involved in the incident of 16 June was no longer employed by the premises. The Chair did suggest that the directors, Mr Hutchinson and Ms Clayton, should spend more time at the Manchester premises and be more actively involved in the management team and also stressed that they should work with the police. There was no order for costs.

Oxygen, 4 Chorlton Street

5.5 An appeal was submitted to the Magistrates Court by local residents who had objected to the application, 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 were joint respondents in this appeal with the licence holder.

5.6 Ahead of the scheduled hearing, the residents proposed revised conditions as settlement and the matter was subsequently concluded without the need for a hearing. The Council was required to bear its own costs for the appeal by the court.

5.7 There are pending appeal hearings in respect of:

Panacea Bar & Restaurant, 14 John Dalton Street

5.8 The original decision was to impose additional conditions on the licence following an application for summary review of the licence by Greater Manchester Police. The Committee was satisfied that there was clear evidence of serious crime and serious disorder associated with the premises and that it was both necessary and proportionate to impose such conditions and to restrict the hours for the sale of alcohol from 1100 to 0200, Monday to Sunday.

5.9 The appeal is scheduled to be heard by the court on 3rd and 4th May 2011.

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, plays 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 2003 and Gambling Act 2005 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 October and 31 December 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.