

**Manchester City Council  
Report for Information**

**Report To:** Licensing Committee – 6 June 2011

**Subject:** Licensing (Premises) applications granted from 1 January to 31 March 2011

**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

<b>Community Strategy Spine</b>	<b>Summary of the contribution to the strategy</b>
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

---

#### **Contact Officers:**

Name: Jenette Hicks  
Position: Licensing Unit Manager

Name: Fraser Swift  
Position: Principal Licensing Officer  
(Premises)

Telephone: 0161 234 4962  
E-mail: [j.hicks1@manchester.gov.uk](mailto:j.hicks1@manchester.gov.uk)

Telephone: 0161 234 1176  
E-mail: [f.swift@manchester.gov.uk](mailto:f.swift@manchester.gov.uk)

#### **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 January and March 2011, the Licensing Authority determined a total of 30 new premises licence applications. 27 of these resulted in licences being granted. 3 applications were refused by the Licensing Sub Committee following public hearings.
- 3.3 Of the 27 granted licences, 14 were granted following determination by the Licensing Sub-Committee as agreement was reached between all parties. 9 licences were granted following decisions made by the Licensing Sub-

Committee. 4 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 any of the above decisions – see 5.3 below.

**Table 1 – Premises Licences (New)**

Total applications	30
Granted by Determination	14
Granted by LSC Decision	9
Granted by Officers	4
Refused by LSC Decision	3
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 20 applications for variation to licensable activities of premises licences were received during the quarter.
- 3.6 5 applications were granted by determination. 11 were granted by decision of the Licensing Sub-Committee. Officers granted 3 applications under delegated authority. 1 application was refused.
- 3.7 No appeals were made in respect of any of the above decisions.

**Table 2 – Premises Licences (Variations)**

Total applications	20
Granted by Determination	5
Granted by LSC Decision	11
Granted by Officers	3
Refused by LSC Decision	1

Temporary Event Notices

- 3.8 Between January and March 2011, a total of 148 Temporary Event Notices (TENs) were submitted to the Licensing Unit.
- 3.9 13 objections were received from Greater Manchester Police. Of these, 4 resulted in the modification of the Notice with the agreement of the Police (though 1 of these was subsequently withdrawn before the event took place), 1 was allowed at a hearing by the Licensing Sub-Committee and 8 notices

were withdrawn by the applicant prior to a hearing taking place. The remaining 135 were acknowledged by the Premises Team on behalf of the Licensing Authority.

**Table 3 – Temporary Event Notices**

Total Notices received	148
Acknowledged by Officers	135
Granted by LSC Decision	1
Modified in agreement with GMP	4
Counter Notice served	0
Notice withdrawn by applicant	8
Objection withdrawn by GMP	0
Decisions Appealed	0

Premises Licence Transfers

3.10 Between January and March 2011, a total of 48 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 January and March 2011, a total of 114 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 6 reviews of premises licences during the quarter.

- 4 reviews under section 51 of the Licensing Act 2003
- 2 summary reviews under section 53A

Review Type	Premises Name	Premises Address	Action taken
Review of Premises Licence	The Shiredale	102 Fernclough Road, Manchester, M9 5UR	11 conditions added to the licence, as previously agreed between parties prior to hearing.
Review of Premises Licence	Opus	The Printworks, Withy Grove, Manchester, M4 2BS	Licence suspended for 3 months and 12 additional conditions added to the licence.
Review of Premises Licence	Southern Hotel	Mauldeth Road West, Manchester, M21 7SP	Licence suspended for a period of 2 months

			and current DPS removed.
Review of Premises Licence	Middleton Road Supermarket	Unit 1, 81-83 Middleton Road, Crumpsall, Manchester, M8 4JY	Condition 1 on the licence, in relation to CCTV, replaced by a more detailed condition and current DPS removed.
Summary Review of Premises Licence	Tai Wu Cantonese Restaurant	44 Oxford Street, Manchester, M1 5EJ	12 additional conditions added to the licence and opening/alcohol hours reduced
Summary Review of Premises Licence	Eagle Hotel	Greenbrow Road, Manchester, M23 2UH	Licence revoked on the grounds of the prevention of crime and disorder and public safety.

#### Surrendered / Lapsed Licences

- 3.13 18 Premises licences were surrendered by the respective licence holders between January and March 2011.
- 3.14 5 Premises licences lapsed due to the licence holder becoming insolvent.

#### Personal Licences

- 3.15 Between January and March 2011, a total of 106 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 1 licence application was granted during this quarter in respect of Gambling Premises Licences, granted under delegated authority by officers, as no relevant representations were made against the application.

#### Premises Licence Variations

- 4.5 There were no applications for variation received during this quarter in respect of Gambling Premises Licences.

#### 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, 10 notifications under section 282 were received and acknowledged by the Licensing Unit.
- 4.16 If a licence permitting the on-sale of alcohol, granted under the Licensing Act 2003, is transferred then any permit in force at that premises must also be transferred. Between January and March 2011 2 Alcohol Licensed Premises Gaming Machine Permits were transferred to a new licence holder.
- 4.17 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.
- 4.18 Eleven registrations to conduct small society lotteries were granted during the quarter. None were refused.

**Table 4 – Permits and Notifications (GA2005)**

<b>Permit Type</b>	<b>Total (granted)</b>
Alcohol Licensed Premises Gaming Machine Permit (more than 2 machines)	0
Alcohol Licensed Premises Gaming Machine Notification (less than 2 machines)	10
Club Machine Permits	1
Club Gaming Permits	3
Small Society Lottery Registration	11
Transfer of Alcohol Licensed Premises Gaming Machine Permit	2

## 5.0 Appeals

5.1 Two appeals have been lodged at Manchester Magistrates Court between January and March 2011:

5.2 **Panacea Bar & Restaurant**, Ridgefield House, 14 John Dalton Street, Manchester, M2 6JR –

5.2.1 The Premises Licence Holder appealed against the decision of the Licensing Committee to reduce the hours for the sale of alcohol from 1100 - 0400 to 1100 – 0200 and to add nine conditions to the licence, following a summary review of the licence under section 53A of the Licensing Act 2003.

5.2.2 The conditions imposed on the licence by the Licensing Committee were as follows –

1. An external door company to be employed approved by the SIA and when employed at the premises door staff to wear armbands inside and outside the premises.
2. Seven door staff shall be employed internally and externally – 3 from 2000 and the remainder (4) to commence by 2200. The full seven door staff shall be required on Thursday/Friday/Saturday nights only. The need for extra door security shall be assessed by the Premises Licence Holder or Designated Premises Supervisor on a regular basis and door staff shall be employed when and where the risk assessment deems this appropriate.
3. Any area where customers have legitimate access must be sufficiently illuminated for the purposes of CCTV:
  - a. CCTV must be in operation at any time a person is in the premises.
  - b. All CCTV recorded images shall have sufficient clarity / quality / definition to enable facial recognition.
  - c. CCTV shall be kept in an unedited format for a minimum period of 28 days.
  - d. CCTV shall be maintained on a regular basis and kept in good working order.
  - e. CCTV maintenance records to be kept details of contractor used and work carried out to be recorded.
  - f. Where CCTV is recorded on to a hard drive system any DVD's subsequently produced shall be in a format so it can be played back on a standard personal computer or standard DVD player.
  - g. Where CCTV is recorded on to a hard drive system, the hard drive system must have a minimum of 28 day roll over recording period.
  - h. Where CCTV is recorded on to VHS cassette tapes there shall be a minimum of 28 days worth of VHS cassettes. These must be indexed and used on a roll over basis.

- i. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and able to produce / download / burn CCTV images upon request by a person from a responsible authority.
  - j. Plans indicating the position of CCTV cameras shall be submitted to the responsible bodies within one week of the granting of a licence requiring CCTV.
  - k. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
4. The Nitenet radio link shall be implemented, maintained and used
  5. When the premises are being used for large bookings or externally promoted events then the City Safe and events office at Bootle Street Police Station must be notified at least 28 days prior to the event taking place in order that a risk assessment be carried out in relation to any such event.
  6. All training shall be documented.
  7. Incident book to be implemented and open to inspection by any authorized officer of a responsible authority
  8. Last condition of entry to be 30 minutes before premises closes.
  9. All reserved/VIP area to be constantly monitored
- 5.2.3 Prior to the hearing, which was heard over 2 days on the 3<sup>rd</sup> and 4<sup>th</sup> May, it was agreed in consultation with GMP and the Chair of the Licensing Committee that, given the changes at the premises since the review in December 2010, it was appropriate to compromise upon certain conditions imposed in order to reflect the situation as it presently stands, to allow the Court to focus on the central issues in dispute.

At the hearing the District Judge heard evidence from the Premises Licence Holder and GMP, as well as legal submissions from both sides.

In his judgment, the District Judge found that, for the most part, the conditions imposed by the committee were necessary and proportionate *at the time of the review*.

However, having considered the current situation at the premises and the changes made in the 5 months since the committee's decision he also found that some of those conditions, as drafted, were no longer necessary or proportionate.

The District Judge, therefore, allowed the appeal, allowing the times for licensable activities to revert to the hours in place before the review, and amended the following conditions:

1. When employed at the premises door staff to wear armbands inside and outside the premises.
2. The number of patrons admitted to the premises shall be determined by reference to the number of SIA registered door staff on duty, in accordance with the following table:

<i>Number of occupants</i>	<i>Minimum number of SIA staff on duty</i>
0 – 49	0
50 – 69	1
70 – 139	2
140 – 209	3
210 – 279	4
280 – 349	5
350 - 380	6

(Capacity at the premises is therefore determined by the number of door staff on duty)

3. When the premises are being used for externally promoted events then the City Safe and events office at Bootle Street Police Station must be notified as soon as reasonably practicable after acceptance of the event booking in order that a risk assessment be carried out in relation to any such event.

The appellant made an application for a £40,000 contribution to their costs, which was successfully resisted therefore no costs were awarded.

### **5.3 Ma 'A Heleine, 286 Moston Lane, Manchester, M40 9WB**

- 5.3.1 The Premises Licence Holder appealed against the decision of the Licensing Committee to refuse her application for a premises licence under the Licensing Act 2003. The appeal is scheduled to be heard on 16 June 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, 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 January and 31 March 2011. 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.