

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 30 August 2011

Subject: Licensing (Premises) applications granted from 1 April to 30 June 2011

Report of: Assistant Chief Executive, Neighbourhood Strategy and Delivery

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.

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
 - Risk Management
 - Legal Considerations
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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.
- 2.5 A total of 563 applications were dealt with by the Premises Licensing Unit during this quarter.

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, 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 One appeal was made in respect of the decision to grant a licence in respect of R House, Hilton Street (see paragraph 5.10).

Table 1 – Premises Licences (New)

Total applications	36
Granted by Determination	9
Granted by LSC Decision	15
Granted by Officers	10
Refused by LSC Decision	2
Decisions Appealed	1

Premises Licence Variations

- 3.5 A total of 42 applications for variation to licensable activities of premises licences were received during the quarter. 17 were 'full' variations under s34 of the Act and 25 minor variations under s41a.
- 3.6 Of the 'full variations', 3 applications were granted by determination. 4 were granted by decision of the Licensing Sub-Committee. Officers granted 9 applications under delegated authority. One application was refused.
- 3.7 No appeals were made in respect of any of the above decisions.
- 3.8 In respect of the 25 minor variation applications received, 20 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. 5 applications were refused.

Table 2 – Premises Licences (Variations)

Total applications	42
Granted by Determination	3
Granted by LSC Decision	9
Granted by Officers	4
Refused by LSC Decision	1
Decisions Appealed	0
Minor Variations granted	20
Minor Variations refused	5

Temporary Event Notices

- 3.9 Between April and June, a total of 147 Temporary Event Notices (TENs) were submitted to the Licensing Unit.
- 3.10 No objections were received from Greater Manchester Police and so all notices were acknowledged by the Premises Licensing Team on behalf of the Licensing Authority.

Table 3 – Temporary Event Notices

Total Notices received	147
Acknowledged by Officers	147
Granted by LSC Decision	0
Modified in agreement with GMP	0
Counter Notice served	0
Notice withdrawn by applicant	0
Objection withdrawn by GMP	0
Decisions Appealed	0

Premises Licence Transfers

- 3.11 Between April and June 2011, a total of 45 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

- 3.12 Between April and June 2011, a total of 104 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

- 3.13 There were 5 reviews of premises licences during the quarter.
- 3 reviews under section 51 of the Licensing Act
 - 2 summary reviews under section 53A

Table 4 – Premises Licence Reviews (LA2003)

Applicant for Review	Review Type	Premises Name	Premises Address	Action taken
GMP	Review of Premises Licence	Premier Convenience Store	240-242 Wilmslow Road, Manchester, M14 6LD	Licence Revoked
GMP	Review of Premises Licence	Best One Off Licence	5 Green End Road, Manchester, M19 1SQ	Licence Revoked
GMP	Review of Premises Licence	Vini's Mini Market	369 Victoria Avenue, Blackley, Manchester, M9 8WQ	Conditions attached including restriction of terminal hour for alcohol sales to 10pm.
GMP	Summary Review of Premises Licence	The Garibaldi Inn	163 Lees Street, Manchester, M18 8QL	Condition attached
GMP	Summary Review of Premises Licence	Gardeners Arms	Wythenshawe Road, Sharston, Manchester, M23 9DD	Conditions attached

3.14 Appeals have been submitted to the Magistrates Court by the respective licence holders in respect of the decisions for Premier Convenience Store and Best One Off Licence. Please see Section 5 for further details.

Surrendered / Lapsed Licences

3.15 14 Premises licences were surrendered by the respective licence holders between April and June 2011.

3.16 1 Premises licence lapsed due to the insolvency of the licence holder.

Personal Licences

3.17 Between April and June 2011, a total of 94 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 One new licence application for a betting shop was granted during this quarter.

Premises Licence Variations

4.5 There was one application for variation to relocate the premises licence held in respect of the Electric Casino, Ramsgate Street to the site of the former Gala Bingo at Parrswood. The application was granted following a site visit and hearing by the Licensing Sub Committee.

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, 1 application for a permit was 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, 5 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 10 registrations to conduct small society lotteries were received and granted during the quarter.

Table 5 – 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)	5
Club Machine Permits	1
Club Gaming Permits	0
Small Society Lottery Registration	10
Transfer of Licensed Premises Gaming Machine Permit	0

5.0 Appeals

- 5.1 Three appeals have been lodged at Manchester Magistrates Court between April and June 2011.
- 5.2 Two appeals have been heard at Manchester Magistrates' Court during this quarter.

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

- 5.3 Appeal lodged by Heleine Flaure Kwakam on 3 March 2011 against the decision of the Licensing Committee to refuse her application for a premises licence under the Licensing Act 2003.
- 5.4 Following agreement between the Licensing Authority and the appellant, a consent order was granted by the court, which granted the application according to the agreed reduced hours for the sale of alcohol of 1500 to 2230 with a closing time for the premises of 2300. The original hours applied for were 1500 to 2300 for alcohol sales with a closing time of 0000. Two conditions were added to those set out in the operating schedule, requiring that all customers must be seated and that service must be by waiter/waitress only.
- 5.5 Each party to the appeal agreed to bear their own costs.

The Southern Hotel, Mauldeth Road West, M21

- 5.6 An appeal was lodged in respect of the decision to suspend the premises licence following a review on 17 March 2011. The original decision was to remove the Designated Premises Supervisor and suspend the licence for 2

months. Following agreement between the Licensing Authority and the appellant, a consent order was granted by the court removing the suspension of the licence, which was no longer considered necessary following liaison with Greater Manchester Police.

5.7 Each party to the appeal agreed to bear their own costs.

5.8 There are pending appeal hearings in respect of:

Premier Convenience Store, 240-242 Wilmslow Road

5.9 An appeal was submitted to the Magistrates Court by the premises licence holder on the grounds that it was not necessary or proportionate to revoke the licence following the review on 26 May 2011. The appeal is scheduled to be heard at Manchester Magistrates Court on 31 October 2011.

R House, Hilton House, 26-28 Hilton Street

5.10 An appeal was submitted to the Magistrates Court in respect of the original decision on 13 April 2011 to impose additional conditions on the grant of a new licence for the premises which included restricting the hours on Friday and Saturday as follows:

Alcohol	1100 - 0000
Recorded Music	1100 - 0030
Late Night Refreshment	2300 - 0030
Opening Hours	1100 - 0030

5.11 The appeal is scheduled to be heard at Manchester Magistrates Court on 29 September 2011.

Best One Off Licence, 5 Green End Road, M19

5.12 An appeal was submitted by the premises licence holder to the Magistrates Court in respect of the decision of the Licensing Sub Committee on 8 June 2011 to revoke the premises licence. The hearing date is awaiting scheduling by the court.

6.0 Miscellaneous Licences

6.1 The following miscellaneous licences have been processed during the quarter:

Table 6 – Miscellaneous Licences

Permit Type	Total (granted)
Registration for Acupuncture (Premises)	1
Registration for Acupuncture (Personal)	3
Registration for Ear Piercing (Personal)	4
Registration for Motor Salvage	1
Pet Shop Licence	1
Poisons Licence	13
Registration as a Scrap Metal Dealer	5
Sex Establishment Licence (Renewal)	1
Street Collection Permits	52

7.0 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.

8.0 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.

9.0 Conclusion

- 9.1 The report provides the Committee with statistical information regarding premises licensing applications processed between 1 April and 30 June 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.