

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 28 November 2011

Subject: Licensing (Premises) applications granted from 1 July to 30 September 2011

Report of: Strategic Director of Neighbourhood Services

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.
- 2.5 A total of 673 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 July and September 2011, the Licensing Authority determined a total of 38 new premises licence applications. 37 of these resulted in licences being granted. One application was refused by the Licensing Sub Committee following a public hearing.

- 3.3 Of the 37 granted licences, 12 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. Six 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	38
Granted by Determination	12
Granted by LSC Decision	19
Granted by Officers	6
Refused by LSC Decision	1
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 37 applications for variation to licensable activities of premises licences were received during the quarter. 18 were 'full' variations under s34 of the Act and 19 minor variations under s41a.
- 3.6 Of the 'full variations', five applications were granted by determination. Three were granted by decision of the Licensing Sub-Committee. Officers granted nine applications under delegated authority. One application was refused.
- 3.7 One appeal was made in respect of the decision of the Licensing Sub Committee to refuse in part an application to vary the premises licence for '256', 256 Wilmslow Road, Manchester, M14 6LB (see paragraph 5.4).
- 3.8 In respect of the 19 minor variation applications received, 14 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. 5 such applications were refused.

Table 2 – Premises Licences (Variations)

Total applications	37
Granted by Determination	5
Granted by LSC Decision	3
Granted by Officers	9
Refused by LSC Decision	1
Decisions Appealed	1
Minor Variations granted	14
Minor Variations refused	5

Temporary Event Notices

- 3.9 Between April and September, a total of 234 Temporary Event Notices (TENs) were submitted to the Licensing Unit.
- 3.10 Four objections were received from Greater Manchester Police. Of these, one TEN was withdrawn by the premises user before the event took place, one was allowed at a hearing by the Licensing Sub-Committee, one objection was withdrawn by GMP prior to the hearing and one counter notice was served (following a committee hearing), meaning the event couldn't take place.
- 3.11 The remaining 230 TENs were acknowledged by the Premises Team on behalf of the Licensing Authority.

Table 3 – Temporary Event Notices

Total Notices received	234
Acknowledged by Officers	230
Granted by LSC Decision	1
Counter Notice served	1
Notice withdrawn by applicant	1
Objection withdrawn by GMP	1

Premises Licence Transfers

- 3.12 Between July and September 2011, a total of 63 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

- 3.13 Between July and September 2011, a total of 111 premises licences were varied to specify a new Designated Premises Supervisor, all granted under delegated authority by officers. An objection to one application was made by Greater Manchester Police. The hearing for this application is scheduled for 29/11/2011.

Premises and Personal Licence Reviews

- 3.14 There were 7 reviews of premises licences during the quarter.
- 4 reviews under section 51 of the Licensing Act
 - 3 summary reviews under section 53A

Applicant for Review	Review Type	Premises Name	Premises Address	Summary of action taken
MCC Environmental Health Dept	Review of Premises Licence	Pure Space Bar	11 -13 New Wakefield Street, Manchester, M1 5NP	Conditions modified – rooftop terraced area closed at all times & tamper proof noise limiter to be fitted
MCC Environmental Health Dept	Review of Premises Licence	The Rampant Lion	17 Anson Road, Manchester, M14 5BZ	Hours reduced (terminal hour for all licensable activities changed from 0200 to 0000 Mon-Sat, 0030 to 0000 Sun, premises to close 30 mins later) and conditions added: (1) Premises not to be used for events organised by outside promoters. (2) Windows and doors to remain closed during reg ent except for access and egress. (3) Noise levels outside to be regularly monitored during reg ent.
Greater Manchester Police	Review of Premises Licence	Royal Wines	463 Moston Lane, Manchester, M40 9PY	No action taken
Greater Manchester Police	Review of Premises Licence	Global News	725 Wilmslow Road, Manchester, M20 6WF	Conditions modified: (1) Individual identified as “AA” must not be present in the premises whilst it is open for trade. (2) If the CCTV stops working the fault must be reported to the police within 48 hours.
Greater Manchester Police	Summary Review of Premises Licence	The Brewers Arms	149 -151 Ladybarn Lane, Manchester, M14 6RQ	Conditions added – (1) An effective CCTV system to be installed at premises, to be operated & maintained 24 hrs/day. (2) Staff engaged in sale of alcohol to be trained in responsible alcohol retailing for minimum

				of 2 hours, refresher training to take place every 6 months (3) An incident book shall be kept and maintained on premises at all times (4) PLH to make regular contact with GMP in respect of premises until GMP satisfied that premises being operated in appropriate way by new tenant.
Greater Manchester Police	Summary Review of Premises Licence	The Huntsman Inn	130 Wilmslow Road, Manchester, M14 5AH	DPS removed and hours amended: Hours for licensable activities reduced from 1200 - 0000 Mon to Thurs, 1200 - 0100 Fri & Sat and 1200 - 2300 Sun, to 1200 - 2300 Mon to Sat; 1200 - 2230 Sun. Opening hours reduced from 1200 – 0000 Mon to Thurs, 1200 – 0100 Fri & Sat and 1200 – 2300 Sun to 1200 - 2330 Mon to Sat; 1200 - 2300 Sun (<i>Non-standard times not altered</i>)
Greater Manchester Police	Summary Review of Premises Licence	Spread Eagle	9 Royle Green Road, Manchester, M22 4WQ	Hearing scheduled for 10/08 adjourned – licence surrendered same day (NB: period during which licence could be re-instated on transfer has now passed, therefore licence has now lapsed.)

3.15 An appeal has been submitted to the Magistrates Court by the licence holder in respect of the decision for Global News. (see section 5.6).

Surrendered / Lapsed Licences

3.16 18 Premises licences were surrendered by the respective licence holders between July and September 2011.

- 3.17 One Premises Licence lapsed due to the insolvency of the licence holder.

Personal Licences

- 3.18 Between July and September 2011, a total of 94 personal licences were granted. No objections were made by Greater Manchester Police to any applications and so 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 Two new licence applications were granted during this quarter, one for a Betting Shop and one for an Adult Gaming Centre.

Premises Licence Variations

- 4.5 There was one application for variation to alter the layout of the premises as part of a refurbishment in respect of Grosvenor Casino, 35A-39A George Street, Manchester. No objection was received and the application was granted under delegated authority by an officer.

Premises Licence Reviews

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

Transfer of a Gambling Premises Licence

4.7 One application to transfer a Betting Shop Licence was received during this quarter. No objection was received and the application was granted under delegated authority by an officer.

Surrendered / Lapsed Licences

4.8 Eight licences were surrendered by the licence holder during this quarter. Five of these related to Nobles Amusements, 19 Piccadilly, Manchester; the five existing licences were superseded by one licence to cover the whole premises.

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, one 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, nine 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 Seven registrations to conduct small society lotteries were received and granted during the quarter.

Table 4 – Permits and Notifications (GA2005)

Permit Type	Total (granted)
Alcohol Licensed Premises Gaming Machine Permit (more than 2 machines)	1
Alcohol Licensed Premises Gaming Machine Notification (fewer than 2 machines)	9
Club Machine Permits	1
Club Gaming Permits	1
Small Society Lottery Registration	7
Transfer of Licensed Premises Gaming Machine Permit	1

5.0 Appeals

Premises	Date Appeal Lodged	Date Appeal Resolved
Best One Off Licence, 5 Green End Road, Manchester, M19 1SQ	4 August 2011	2 November 2011
Premier Convenience Store, 240-242 Wilmslow Road	21 June 2011	31 October 2011
'256', 256 Wilmslow Road, Manchester, M14 6LB	9 September 2011	
R House, Hilton House, 26-28	13 June 2011	29 September 2011

Hilton Street		
Global News, 725 Wilmslow Road, Manchester, M20 6WF	14 October 2011	

Best One Off Licence, 5 Green End Road, Manchester, M19 1SQ

- 5.1 Appeal lodged by the licence holder, Mr Shams Ghafoor, on 4 August 2011 in respect of the decision of the Licensing Sub Committee on 8 June 2011 to revoke the premises licence following a review of the licence under the Licensing Act 2003.
- 5.1.1 Following agreement on 02/11/2011 between the Licensing Authority and the appellant, a consent order was granted by the court, which reinstated the licence with the same trading hours for the sale of alcohol for consumption off the premises as those prior to the revocation –
- Mon to Sat 0800 to 2300
 - Sun 1000 to 2230

The premises opening hours are unrestricted, also as previous.

- 5.1.2 The following conditions were also added, to replace all previous conditions on the licence -
1. A record of, and receipts for, the purchase of alcohol for resale under this premises licence must be maintained for a minimum of 18 months and made available for inspection upon the reasonable request of responsible authorities.
 2. Till prompts must be in place for age-restricted products
 3. The Challenge\Think 25 policy to be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification will be a passport, photographic driving licence and those carrying the PASS logo.
 4. Notices warning of the penalties for purchasing alcohol for persons underage (proxy sales) must be clearly displayed
 5. A refusals book is to be maintained and made available for inspection upon the reasonable request of responsible authorities
 6. A staff register is to be maintained.
 7. Staff must receive regular training. Training must be documented. Staff training records must be maintained and made available for inspection upon the reasonable request of responsible authorities. Staff training will include the Challenge\Think 25 policy and its operation. In particular staff will be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18, where those customers are engaged in the distribution of alcohol for persons under the age of 18. This training will be given to a new member of staff before they commence paid employment.

8. Shazad Ghafoor shall not be employed in any capacity at the premises for a period of two years commencing 2nd November 2011 , nor be permitted behind the counter of the premises for that period.

CCTV

9. CCTV Must operate during the hours the premises is open to the public & be provided in the form of a recordable system, capable of providing pictures, particularly facial recognition in all lighting conditions.
 10. Footage exported to a removable storage medium with a time and date integral to the image and to include any software needed to replay the footage.
 11. Cameras must encompass all ingress and egress to the premises, fire exits, all areas where the sale\ supply of alcohol occurs and all external areas.
 12. All equipment must have constant time/date generation, which must be checked for accuracy on a daily basis.
 13. Equipment must be maintained in good working order and be correctly time and date stamped.
 14. The system instruction manual must be available at the premises.
 15. A contact list for all staff qualified to operate the CCTV system must be provided to an Authorised Officer or Police Constable immediately.
 16. There must be a member of trained staff available to be able to download evidence at the request of an Authorised Officer or a Police Constable within four hours of the request.
 17. Recordings must be kept in unedited format for a minimum of 31 days.
 18. An operational daily log report must be maintained & endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
 19. CCTV warning signs must be fitted in public areas of the premises and displayed.
 20. CCTV maintenance records to be kept detailing contractor used and work carried out to be recorded.
 21. Plans indicating the position of CCTV cameras to be submitted to be lodged with GMP.
 22. In the event of a CCTV system malfunction, the Designated Premises Supervisor or Premises Licence Holder must immediately notify the Licensing Authority Tel: 0161 2344512 and Police Licensing Department 0161 856 0037/3171.
- 5.1.3 Each party to the appeal agreed to bear their own costs.

Premier Convenience Store, 240-242 Wilmslow Road

- 5.2 An appeal was submitted to the Magistrates Court by the premises licence holder on 21/ June 2011 on the grounds that it was not necessary or proportionate to revoke the licence following the review on 26 May 2011. The appeal was heard at Manchester Magistrates Court on 31 October 2011.
 - 5.2.1 Decision - Appeal was dismissed at the hearing on 31/10/2011. The reasons cited by the Court were that on the evidence presented the Court is satisfied

that the decision to revoke the licence was correct at the time and that the Court did not feel that the position had changed –

- 5.2.1.1 The training logs and refusals book were of a poor standard.
- 5.2.1.2 The Court did not consider that conditions went far enough to address the concerns.
- 5.2.2 The Court considered all the powers available to them but because of the structure of the business and the lack of training and awareness of all the parties involved no other options would address the concerns and revocation was necessary and proportionate to promote the licensing objectives. The Licensing Authority was awarded a contribution of £930 towards costs to be paid within 3 months.

R House, Hilton House, 26-28 Hilton Street

- 5.3 An appeal was submitted to the Magistrates Court by the licence applicant, Ian Maugham, on 13 June 2011, 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

- 5.3.1 Following agreement on 29/09/2011 between the Licensing Authority and the appellant, a consent order was granted by the court to allow the appeal and amend the licence as follows –

Sale of Alcohol

Friday	1100 to 0100
Saturday	1100 to 0100

Recorded Music

Friday	1100 to 0115
Saturday	1100 to 0115

Provision of Late Night Refreshment

Friday	2300 to 0100
Saturday	2300 to 0100

Hours Premises are open to the public

Friday	1100 to 0115
Saturday	1100 to 0115

Conditions to be attached to the Premises Licence:

Staff shall use their best endeavours to discourage customers from dispersing in the direction of The Vaults on Tariff Street

The above are the only amendments to the decision of the Licensing Committee on 13th April 2011, all other operating hours and conditions are to remain as granted per the decision of the Licensing Committee.

5.4 There are pending appeal hearings in respect of:

'256', 256 Wilmslow Road, Manchester, M14 6LB

5.5 An appeal was lodged by the licence holder, Hydes Brewery Limited, on 9 September 2011 in respect of the decision of the Licensing Sub Committee on to refuse in part an application to vary the premises licence. The application was to -

- extend the trading hours for the supply of alcohol for consumption both on and off the premises from 1000 - 0100 to 1000 – 0200 (Mon to Sat) and from 1000 - 0030 to 1000 - 0100 (Sun); and,
- to amend the layout of the premises
- to reduce the capacity of the premises from 500 to 400
- to remove condition 9 in Annex 2 from the licence – “Polycarbonate glassware (or other such safety glass agreed with the police) shall be in use at the premises”.

5.5.1 The change to the licensing hours was not granted; all other changes were granted except that the applicant withdrew the request to remove condition 9.

5.5.2 The appeal is scheduled to be heard at Manchester Magistrates Court on 13 and 14 March 2012.

Global News, 725 Wilmslow Road, Manchester, M20 6WF

5.6 Appeal lodged by the licence holder, Global News Didsbury Ltd, on 14 October 2011 in respect of the decision of the Licensing Sub Committee on 13 September 2011 to add a condition to the licence stating that “AA” must not be present in the premises whilst it is open for trade, following a review of the licence under the Licensing Act 2003. A second condition imposed relating to CCTV has not been appealed against. The first hearing at Manchester City Magistrates’ Court is on 24th November 2011.

6 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 Key Policies and Considerations

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 Conclusion

- 8.1 The report provides the Committee with statistical information regarding premises licensing applications processed between 1 July and 30 September 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.