

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 20 February 2012

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

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

Telephone: 0161 234 4962
E-mail: j.hicks1@manchester.gov.uk

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

Telephone: 0161 234 1176
E-mail: 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.
- 2.5 The Premises Licensing Unit dealt with a total of 629 applications 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 October and December 2011, the Licensing Authority determined a total of 25 new premises licence applications. All of these resulted in licences being granted.

- 3.3 Of the 25 granted licences, ten were granted following determination by the Licensing Sub-Committee as agreement was reached between all parties. Ten licences were granted following decisions made by the Licensing Sub-Committee. Five 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	25
Granted by Determination	10
Granted by LSC Decision	10
Granted by Officers	5
Refused by LSC Decision	0
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 36 applications for variation to licensable activities of premises licences were received during the quarter. 18 were 'full' variations under s34 of the Act and 18 minor variations under s41a.
- 3.6 Of the full variations, seven applications were granted by determination. Four were granted by decision of the Licensing Sub-Committee. Officers granted six applications under delegated authority. One application was refused. One appeal has been received from an interested party against a decision by the Licensing Sub-Committee to grant a variation, further details of which are at paragraph 5.8 of this report.
- 3.7 In respect of the 18 minor variation applications received, 17 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. 1 application was refused.

Table 2 – Premises Licences (Variations)

Total applications	36
Granted by Determination	7
Granted by LSC Decision	4
Granted by Officers	6
Refused by LSC Decision	1
Decisions Appealed	0
Minor Variations granted	17

Minor Variations refused	1
--------------------------	---

Temporary Event Notices

- 3.8 Between October and December 2011, a total of 229 Temporary Event Notices (TENs) were submitted to the Licensing Unit. Of these, 22 TENs were rejected by officers because the notification had not been properly made.
- 3.9 22 objections were received from Greater Manchester Police, although one objection was withdrawn by GMP prior to the hearing. Of the other 21, eight TENs were withdrawn by the premises user before the event took place, four were allowed at a hearing by the Licensing Sub-Committee, and nine counter notices were served (following a committee hearing) thereby preventing the events from taking place.
- 3.10 A total of 186 TENs, including the one to which GMP withdrew their objection, were acknowledged by the Premises Team on behalf of the Licensing Authority.

Table 3 – Temporary Event Notices

Total Notices received	229
Rejected not properly made	22
Acknowledged by Officers	186
Granted by LSC Decision	4
Counter Notice served	9
Notice withdrawn by applicant	8

Premises Licence Transfers

- 3.11 Between October and December 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 October and December 2011, a total of 123 premises licences were varied to specify a new Designated Premises Supervisor. No objections were made by Greater Manchester Police to any applications and so all were granted under delegated authority by officers.

Premises licence reviews and Personal Licence applications

- 3.13 A Summary Review is a fast-track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder or both. On receipt of an application the Licensing Authority must within 48-hours consider whether it is necessary to take interim steps pending determination of the review. The review hearing must be held within 28-days of receipt of the application.
- 3.14 There were five reviews of premises licences during the quarter, one review under section 51 of the Licensing Act 2003 and four summary reviews under section 53A Act.

Applicant for Review	Review Type	Premises Name	Premises Address	Interim Steps Taken	Summary of action taken
MCC Trading Standards	Review of Premises Licence	Withington News & Groceries	92 Mauldeth Road West, Manchester, M20 1AB	N/A	To revoke the licence on the grounds of protection of children from harm and prevention of crime and disorder.
Greater Manchester Police	Summary Review of Premises Licence	Sakura	Arch 2, Deansgate Locks, Whitworth Street West, Manchester, M1 5LH	None. At the hearing on 06/10/11, the committee were of the view that the Certificate submitted by GMP under section 53A(1)(b) of the Licensing Act was defective in that the conduct described on the certificate did not constitute an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years	N/a
Greater Manchester Police	Summary Review of Premises Licence	Saki	2 Wilmslow Road, Manchester, M14 5TP	The interim step of suspension of the licence will cease to have effect from	16 conditions as agreed by all parties imposed, plus one additional

				the coming into force of the committee's decision, which will be at the end of the period given to appeal the decision or, if an appeal against the decision is lodged, upon determination of that appeal.	condition: Blue florescent lighting to inhibit the use of controlled drugs (under the Misuse of Drugs Act 1971) to be operational in the toilets.
Greater Manchester Police	Summary Review of Premises Licence	Lounge 31/Hot Shots/Funky Chicken	29 Withy Grove, Manchester, M4 2BJ		31 additional conditions added to licence. Trading times amended as follows – <u>Sale of alcohol</u> Hot Shots/Lounge 31 (Mon - Sun) 10.00 – 03.00 <u>Opening Hours</u> Funky Chicken (Mon - Sun) 00.01 – 00.00 Hot Shots/Lounge 31 (Mon - Sun) 10.00 – 03.30 All above plus seasonal variation for NYE <u>Reg Entertainment</u> Hours as above in respect of Hot Shots/ Lounge 31 10.00 - 0300 <u>Provision of Late Night Refreshment</u> Funky Chicken 23.00 – 05.00 Hot Shots 23.00 – 03.30 Lounge 31 23.00-03.00
Greater Manchester Police	Summary Review of Premises Licence	Barcode	Ground Floor, Albion Wharf, Albion Street, Manchester, M1 5LN		Licence revoked at hearing 17/01/2012

- 3.15 An appeal has been submitted to the Magistrates Court by the licence holder in respect of the decision for Withington News & Groceries (see Section 5.6).

Surrendered / Lapsed Licences

- 3.16 Eight Premises licences and one Club Premises Certificate were surrendered by the respective licence/certificate holders between October and December 2011.
- 3.17 One Premises Licence lapsed due to the insolvency of the licence holder.

Personal Licences

- 3.18 Between October and December 2011, a total of 104 personal licences were granted. Greater Manchester Police objected to one application but this was later withdrawn 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 a Bingo premises.

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 William Hill, 988-990 Stockport Road, Manchester, M19 3NN. 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 No applications to transfer a licence under the Gambling Act 2005 were received during this quarter.

Surrendered / Lapsed Licences

- 4.8 No licences lapsed or were 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, two applications for an Alcohol Licenced Premises Gaming Machine Permit and one for a Club Gaming and Machine Permit 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, ten 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 Ten 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)	2
Alcohol Licensed Premises Gaming Machine Notification (fewer than 2 machines)	10
Club Machine Permits	0
Club Gaming Permits	1
Small Society Lottery Registration	10
Transfer of Licensed Premises Gaming Machine Permit	0

5.0 Appeals

Premises	Date Appeal Lodged	Date Appeal Resolved
'256', 256 Wilmslow Road, Manchester, M14 6LB	22 September 2011	Court hearing scheduled for 13/03/12 – 14/03/12
Global News, 725 Wilmslow Road, Manchester, M20 6WF	14 October 2011	Court hearing scheduled for 24/02/12
Withington News & Groceries, 92 Mauldeth Road	2 November 2011	Court hearing scheduled for 01/03/12

West, Manchester, M20 1AB		
Via, 28-30 Canal Street, Manchester, M1 3EZ	9 November 2011	Court hearing scheduled for 08/03/12

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

- 5.1 An appeal was lodged by the licence holder, Hydes Brewery Limited, on 22 September 2011 in respect of the decision of the Licensing Sub Committee on 19 September 2011 to refuse, in part, an application to vary the premises licence. The application was to -
- extend the terminal hours from 1am to 2am (Mon to Sat) and from 0030 to 1am on Sundays, for the supply of alcohol for consumption both on and off the premises; and,
 - amend the layout of the premises;
 - reduce the capacity of the premises from 500 to 400;
 - 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".
- 5.2 The extension to the licensing hours was refused. The remaining parts of the variation were granted, with the exception of the request to remove condition 9, which was withdrawn by the applicant.
- 5.3 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

- 5.4 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 applied for by Greater Manchester Police. A second condition imposed relating to CCTV was not appealed.
- 5.5 The appeal is scheduled to be heard at Manchester Magistrates Court on 24 February 2011.

Withington News & Groceries, 92 Mauldeth Road West, Manchester, M20 1AB

- 5.6 Appeal lodged by the licence holder, Mr Kamran Saeed, on 2 November 2011 in respect of the decision of the Licensing Sub Committee on 13 October 2011 to revoke the premises licence following a review application submitted by Trading Standards. The review was made following the seizure of counterfeit alcohol being sold

at the premises and three test purchase failures between 15/08/09 and 02/06/11.

- 5.7 The appeal is scheduled to be heard at Manchester Magistrates Court on 1 March 2011.

Via, 28-30 Canal Street, Manchester, M1 3EZ

- 5.8 Appeal lodged by an interested party on 9 November 2011 in respect of the decision of the Licensing Sub Committee on 13 October 2011 to grant the variation application as amended as follows:

- Exit from the premises onto Richmond Street is to be used as a fire exit only.
- The following additional condition imposed –
- A barrier to ensure the queue forms in front of Via is to be operational from 20:00 daily. The barriers to be removed at the same time as the barriers that define the smoking area.

- 5.9 The interested party submitted a representation regarding the application to vary the licence.

- 5.10 The appeal is scheduled to be heard at Manchester Magistrates Court on 8 March 2011.

6.0 Contributing to the Community Strategy

6.1 Performance of the economy of the region and sub region

6.1.1 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.

6.2 Reaching full potential in education and employment

6.3 Individual and collective self esteem – mutual respect

6.4 Neighbourhoods of Choice

6.4.1 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

Legal Considerations

- 7.1 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 that 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 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.