

**Manchester City Council  
Report for Information**

**Report to:** Licensing Committee – 2 July 2012

**Subject:** Licensing (Premises) applications granted from 1 January to 31 March 2012

**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

<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, 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](mailto:j.hicks1@manchester.gov.uk)

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

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.
- 2.5 The Premises Licensing Unit dealt with a total of 528 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 January and March 2012, the Licensing Authority determined a total of 38 new premises licence applications. 33 of these resulted in licences being granted. Five applications were refused.

- 3.3 Of the 33 granted licences, eight were granted following determination by the Licensing Sub-Committee as agreement was reached between all parties. 23 licences were granted following decisions made by the Licensing Sub-Committee. Two 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	8
Granted by LSC Decision	23
Granted by Officers	2
Refused by LSC Decision	5
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 29 applications for variation to licensable activities of premises licences were received during the quarter. 17 were 'full' variations under s34 of the Act and 12 minor variations under s41a.
- 3.6 Of the full variations, three applications were granted by determination. Nine were granted by decision of the Licensing Sub-Committee. Officers granted four 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 12 minor variation applications received, all were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives.

Table 2 – Premises Licences (Variations)

Total applications	29
Granted by Determination	3
Granted by LSC Decision	9
Granted by Officers	4
Refused by LSC Decision	1
Decisions Appealed	0
Minor Variations granted	12
Minor Variations refused	0

### Temporary Event Notices

- 3.9 Between January and March 2012, a total of 172 Temporary Event Notices (TENs) were submitted to the Licensing Unit. Of these, 13 TENs were rejected by officers because the notification had not been properly made.
- 3.10 Ten objections were received from Greater Manchester Police, although three of these objections were withdrawn by GMP prior to the hearing. Of the other seven, one TEN was withdrawn by the premises user before the event took place, three were modified by GMP to allow the event to go ahead, and three counter notices were served (following a committee hearing) thereby preventing the events from taking place.
- 3.11 A total of 152 TENs, including the three to which GMP withdrew their objections, were acknowledged by the Premises Team on behalf of the Licensing Authority.

Table 3 – Temporary Event Notices

Total Notices received	172
Rejected not properly made	13
Acknowledged by Officers	152
TEN modified by GMP	3
Counter Notice served	3
Notice withdrawn by applicant	1

### Premises Licence Transfers

- 3.12 Between January and March 2012, a total of 52 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 January and March 2012, a total of 112 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

- 3.14 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.

3.15 There were three summary reviews of premises licences under section 53A of the Licensing Act 2003 during the quarter.

3.16 There were no reviews under section 51 of the Act.

Applicant for Review	Review Type	Premises Name	Premises Address	Interim Steps Taken	Summary of action taken
Greater Manchester Police	Summary Review of Premises Licence	HD	Arch 66, Whitworth Street West, Manchester, M1 5WW	Licence suspended pending full hearing. Representation rec'd from licence holder: 2 <sup>nd</sup> committee lifted suspension and modified conditions of licence to include 13 conditions proposed by the Respondent, with an amendment to a condition relating to externally managed events	Conditions on licence modified to include 13 conditions proposed by the licence holder, with an amendment to a condition relating to externally managed events (as per interim steps)
Greater Manchester Police	Summary Review of Premises Licence	K2 Karaoke Nightclub	Amadeus House, 52-56 George Street, Manchester, M1 4ZZ	Licence suspended pending full hearing. Representation rec'd from licence holder: 2 <sup>nd</sup> committee upheld suspension.	<p>Conditions modified as follows:</p> <p>Condition 8 amended - no externally promoted events</p> <p>Condition 6 to be added - door staff to be supplied by company with ACS approval or equivalent by 01/03/12.</p> <p>Last entry to the premises is 0200.</p> <p>The layout and configuration of 2nd floor to be in</p>

					<p>accordance with plan and subject to approval from responsible authorities.</p> <p>2nd floor:</p> <ul style="list-style-type: none"> <li>- The sale of alcohol in cocktail bar shall cease at 2.00am</li> <li>- cocktail bar closed to public at 2.30am</li> <li>- sale of alcohol in karaoke rooms solely by waiter, to be decanted from lockable mini bar.</li> <li>- sale of alcohol in the karaoke rooms to cease at 3.30am</li> <li>- karaoke rooms to close at 4.00am</li> <li>- each karaoke room to be monitored by SIA operative</li> <li>- use of the Karaoke rooms restricted to persons booking 24 hours in advance</li> <li>- appointed book to be kept karaoke rooms and available for inspection by police</li> </ul> <p>Performance of dance and provision of facilities for dancing removed from licence.</p>
Greater Manchester Police	Summary Review of Premises Licence	The Park Hotel	Moorcroft Road, Manchester, M23 0AE	No action taken – premises closed voluntarily pending full review hearing.	<p>Conditions modified as follows:</p> <ul style="list-style-type: none"> <li>- Areas where customers have access must be sufficiently</li> </ul>

					illuminated for the purposes of CCTV. - CCTV must be in operation at any time a person is in the premises and comply with agreed standards. - Staff engaged in the sale of alcohol to be trained in Responsible alcohol and training documented. - Incident book to be kept and maintained on premises at all times.
--	--	--	--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### Surrendered / Lapsed Licences

3.17 Eight Premises licences and one Club Premises Certificate were surrendered by the respective licence/certificate holders between January and March 2012.

3.18 Six Premises Licences lapsed due to the insolvency of the licence holder.

#### Personal Licences

3.19 Between January and March 2012, a total of 100 applications for personal licences were received. 99 were granted under delegated authority by officers as no objections were received from Greater Manchester Police. GMP objected to one application, which was refused at a hearing before the Licensing Sub-Committee on 16 March 2012.

### **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. No objection was received and the application was granted under delegated authority by an officer.

#### Premises Licence Variations

4.5 There was one application for variation to enable the existing licence for Grosvenor Casino, Excalibur Building, 77 Whitworth Street, Manchester, M1 6EZ to be relocated to new premises in the undeveloped area of the Grosvenor G Casino site on Ramsgate Street, Bury New Road, Manchester. The premises is to be known as E Casino 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 No applications to transfer a licence under the Gambling Act 2005 were received during this quarter.

#### Surrendered / Lapsed Licences

4.8 Two Betting Shop Licences 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, one application for an Alcohol Licenced Premises Gaming Machine Permit and two for a Club Gaming and Machine Permit were granted under delegated authority as no objections were made.
- 4.14 During the quarter, one application to vary an Alcohol Licenced Premises Gaming Machine Permit, to increase the number of category C machines from zero to three and to reduce the number of category D machines from three to zero, was granted under delegated authority as no objections were made.
- 4.15 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.
- 4.16 During the quarter, 15 notifications under section 282 were received and acknowledged by the Licensing Unit.
- 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 One registration to conduct small society lotteries was 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) (new permit)	1
Alcohol Licensed Premises Gaming Machine Permit (more than 2 machines) (variation to existing permit)	1
Alcohol Licensed Premises Gaming Machine Notification (fewer than 2 machines)	15
Club Machine Permits	0
Club Gaming Permits	2
Small Society Lottery Registration	1
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	<p>Consent Order issued by Manchester Magistrates Court on 7/03/2012 – permitted hours for the sale of alcohol and for regulated entertainment extended to 2.00am Mon to Sat and to 1.00am Sun. Opening hours extended to 2.30am Mon to Sat and to 1.30am Sun; use of beer garden to cease at midnight; premises to comply with agreed dispersal policy; capacity of premises reduced to 400.</p> <p>Premises also undertook to submit a minor variation application within 7 days of the consent order to reduce the terminal hour for licensable activities and opening by one hour so all activities will cease at 1.00am and the premises will close at 1.30am. (NB: The minor variation application was received on 15/03/2012)</p>

		No order was made for costs.
Global News, 725 Wilmslow Road, Manchester, M20 6WF	14 October 2011	<p>This matter was heard at the Magistrates Court on 24/02/12 and the decision of the Court was to replace the condition being appealed with the following condition:-</p> <p>Mr 'AA' shall not be on the premises whilst it is open for trade before 10am or after 2.45 pm Mon – Fri and must not be on the premises at all on a Sat or Sun. Whilst he is on the premises he must not serve any member of the public and he must be under the direct supervision of the Apellant Mr Nusrat Ali at all times.</p> <p>This condition is to remain on the licence until 16 Sept 2016.</p> <p>No order for costs was made.</p>
Withington News & Groceries, 92 Mauldeth Road West, Manchester, M20 1AB	2 November 2011	Appeal allowed at Manchester Magistrates Court 01/03/2012. No costs awarded.
Via, 28-30 Canal Street, Manchester, M1 3EZ	9 November 2011	<p>Following a ruling on a point of law by the Deputy District Judge, the appellant interested party agreed at Court 09/03/12 to accept the addition of 5 conditions previously offered by the premises licence holder to be added to the licence. Those conditions are:</p> <ol style="list-style-type: none"> <li>1. A smoking policy to be drawn up, to include a clearly defined area for smokers and door staff to be trained on managing smokers appropriately. The smoking policy to be agreed and lodged with Environmental Health.</li> <li>2. A dispersal policy to be drawn up, to include the</li> </ol>

		<p>management of patrons leaving the premises, to move persons on from the venue, to avoid crowding, and to keep the entrance to 10 Canal Street clear at all times.</p> <p>3. Signs to be displayed at exits encouraging patrons to respect local residents and leave the premises in a quiet manner</p> <p>4. Queues must not be allowed to cross the entrance to 10 Canal Street</p> <p>5. Whilst Polari is trading to keep the entrance of number 10 clear of rubbish</p> <p>The ruling by the Deputy District Judge has been challenged by the appellant interested party and a hearing date in the High Court will be fixed in due course.</p>
--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**'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.

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

- 5.3 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.

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

- 5.4 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.

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

- 5.5 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.

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

**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.