

**Manchester City Council  
Report for Information**

**Report To:** Licensing Committee – 1 October 2012

**Subject:** Licensing (Premises) applications granted from 1 April to 30 June 2012

**Report of:** Head of Business Units

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**Summary**

To inform the Committee of decisions made in relation to applications managed by the Premises Licensing Team.

**Recommendations**

That Members note the report.

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**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.
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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

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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 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 April and June 2012, the Licensing Authority determined a total of 37 new premises licence applications. 35 of these resulted in licences being granted. Two applications were refused.

- 3.3 Of the 35 granted licences, 14 were granted following determination by the Licensing Sub-Committee as agreement was reached between all parties. 16 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	37
Granted by Determination	14
Granted by LSC Decision	16
Granted by Officers	5
Refused by LSC Decision	2
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 54 applications for variation to licensable activities of premises licences were received during the quarter. 24 were 'full' variations under s34 of the Act and 30 were minor variations under s41a.
- 3.6 Of the full variations, six applications were granted by determination. Ten were granted by decision of the Licensing Sub-Committee. Officers granted six applications under delegated authority. Two applications were refused.
- 3.7 No appeals were made in respect of any of the above decisions.
- 3.8 In respect of the 30 minor variation applications received, 27 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. Three applications were refused as it was considered that the variation proposed could adversely impact upon one or more of the licensing objectives.

Table 2 – Premises Licences (Variations)

Total applications	54
Granted by Determination	6
Granted by LSC Decision	10
Granted by Officers	6
Refused by LSC Decision	2
Decisions Appealed	0
Minor Variations granted	27

Minor Variations refused	3
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Temporary Event Notices

- 3.9 A provision under the Police Reform and Social Responsibility Act 2011 came into force on 25 April 2012, amending the Licensing Act 2003 to allow the serving of 'late' temporary event notices. A late temporary event notice (TEN) can be submitted no later than five working days, but no earlier than nine working days, before the day the event period begins. A standard TEN must be submitted no later than ten working days before the event period begins.
- 3.10 Between April and June 2012, a total of 233 TENs were submitted to the Licensing Unit. Of these, 189 were standard TENs and 44 were late TENs.
- 3.11 Of the 189 standard TENs, 18 were rejected by officers because the notification had not been properly made.
- 3.12 Of the standard TENs, four objections were received from Greater Manchester Police. Of these four, one TEN was 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.
- 3.13 Of the 44 late TENs, three were rejected by officers because the notification had not been properly made and ten objections were received from Greater Manchester Police. There is no provision for a hearing when an objection is made against a late TEN. Counter notices were therefore served by officers thereby preventing the events from taking place.
- 3.14 A total of 167 standard TENs and 31 late TENs were acknowledged by the Premises Team on behalf of the Licensing Authority.

Table 3 – Temporary Event Notices

	Standard TENs	Late TENs	Totals
Total Notices received	189	44	233
Rejected not properly made	18	3	21
Acknowledged by Officers	167	31	198
TEN modified by GMP	1	-	1
Counter Notice served	3	10	13
Notice withdrawn by applicant	-	-	-

Premises Licence Transfers

- 3.15 Between April and June 2012, a total of 33 Premises Licences were transferred. No objections were made by Greater Manchester Police to these applications and so all were granted under delegated authority by officers.
- 3.16 In addition, one application to transfer a licence was withdrawn by the applicant following an objection to the application by Greater Manchester Police.

Variation of the Designated Premises Supervisor

- 3.17 Between April and June 2012, a total of 107 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

- 3.18 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.
- 3.19 There were two summary reviews of premises licences under section 53A of the Licensing Act 2003 during the quarter.
- 3.20 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	Circle Media Club	13-16 Barton Arcade, Manchester, M3 2BB	Conditions on licence modified as follows – 1. conditions regarding CCTV revised 2. All drinks to be decanted into polycarbonate containers. No glass to be provided to customers including champagne bottles. 3. An I.D. Club scan or equivalent to be	The decision of the Committee was to impose conditions 1-6 imposed at the Hearing on 17 April permanently on the licence. Hours for licensable activities are: 1100-0400 Mon-Sun. Hrs for late night refreshments: 2300-0400 Mon-Sun. Opening hours: 1100-0430 Mon-Sun.

				<p>operated at the premises. All members and guests to be checked via this system before being allowed access to the premises. Any person refusing to comply will be refused access to the premises.</p> <p>4. Door supervisors and SIA registered security employed at the premises will wear high visibility jackets when working internally and externally at the premises.</p> <p>5. All SIA door staff and a member of management to be in contact with each other by way of radio link while the premises are open.</p> <p>6. Premises are open to the public not before 11.00am and to close to the public by 4.30am daily.</p> <p>7. Premises can make sales of alcohol between the hours 11.00am and 3.30am daily.</p>	
Greater Manchester Police	Summary Review of Premises Licence	The Eastlands	80 Grey Mare Lane, Manchester M11 3DS	Licence suspended with immediate effect.	Decision of the committee was to modify the hours of licensable activities and modify the conditions on the premises licence: Sale of alcohol: Fri and Sat 1000 - 0000 Opening hours: 1000 – 0100 each day. <b>See Appendix 1 for details of modified conditions.</b>

### Surrendered / Lapsed Licences

- 3.21 Nineteen Premises licences were surrendered by the respective licence holders between April and June 2012.
- 3.22 Six Premises Licences lapsed due to the insolvency of the licence holder.

### Personal Licences

- 3.23 Between April and June 2012, a total of 113 applications for personal licences were received. 112 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 8 May 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 and one for a bingo premises were granted during this quarter. No objections were received and the applications were granted under delegated authority by officers.



### Premises Licence Variations

- 4.5 Two applications to vary casino premises licences were received in this quarter. Both applications were to make alterations to the internal layout of the premises. No objections were received and the applications were granted under delegated authority by officers.

### Premises Licence Reviews

- 4.6 There were no reviews of any premises licences under the Gambling Act 2005 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 Adult Gaming Centre Licences were surrendered during this quarter. Both premises were operated by National Leisure Ltd in adjacent premises; the surrender of the licences followed the grant of a new licence covering the combined area.

### 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 or 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 Club Gaming Permit and two applications for a Club Machine Permit were granted under delegated

authority as no objections were made. There were no applications for alcohol-licensed premises gaming machine permits.

- 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 the 3-yearly permit issued under the previous licensing regime.
- 4.15 During the quarter, three 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 Two 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) (new permit)	0
Alcohol Licensed Premises Gaming Machine Permit (more than 2 machines) (variation to existing permit)	0
Alcohol Licensed Premises Gaming Machine Notification (fewer than 2 machines)	3
Club Machine Permits	2
Club Gaming Permits	1
Small Society Lottery Registration	2
Transfer of Licensed Premises Gaming Machine Permit	0

## 5.0 Appeals

- 5.1 There are no outstanding appeals and no new appeals have been lodged between 1 April and 30 June 2012.

## **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 April and 30 June 2012. 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.