

**Manchester City Council  
Report for Information**

**Report To:** Licensing Committee – 17 December 2012

**Subject:** Licensing (Premises) applications granted from 1 July to 30 September 2012

**Report of:** Strategic Director of Neighbourhood Services

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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 July and September 2012, the Licensing Authority determined a total of 34 new premises licence applications. All 34 of these resulted in licences being granted. No applications were refused.

- 3.3 Of the 34 granted licences, eight were granted by way of determination as agreement was reached between all parties. 23 licences were granted following decisions made by the Licensing Sub-Committee. Three 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	34
Granted by Determination	8
Granted by LSC Decision	23
Granted by Officers	3
Refused by LSC Decision	0
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 44 applications for variation to licensable activities of premises licences were received during the quarter. 19 were ‘full’ variations under s34 of the Act and 25 were minor variations under s41a.
- 3.6 Of the full variations, five applications were granted by determination. Five were granted by decision of the Licensing Sub-Committee. Officers granted six applications under delegated authority as there were no relevant representations made against the applications. Three applications were 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, all 25 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	44
Granted by Determination	5
Granted by LSC Decision	5
Granted by Officers	6
Refused by LSC Decision	3
Decisions Appealed	0
Minor Variations granted	25
Minor Variations refused	0

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 July and September 2012, a total of 261 TENs were submitted to the Licensing Unit. Of these, 209 were standard TENs and 52 were late TENs.
- 3.11 Of the 209 standard TENs, 11 were rejected by officers because the notification had not been properly made.
- 3.12 Of the standard TENs, ten objections were received from Greater Manchester Police. Of these ten, one TEN was modified by agreement between the premises user and GMP to allow the event to go ahead, three TENs were withdrawn by the premises user prior to the scheduled hearing and in one case the sub-committee imposed conditions on the TEN to allow the event to take place. Five counter notices were served (following a committee hearing) thereby preventing the events from taking place.
- 3.13 Of the 52 late TENs, three were rejected by officers because the notification had not been properly made and eight 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 188 standard TENs and 41 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	209	52	261
Rejected not properly made	11	3	14
Acknowledged by Officers	188	41	229
TEN modified by GMP	1	-	1
Counter Notice served	5	8	13
Conditions added by sub-committee	1	-	1
Notice withdrawn by applicant	3	-	3

Premises Licence Transfers

3.15 Between July and September 2012, a total of 44 applications to transfer a premises licence were received. Of these, officers granted 43 under delegated authority 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 4 September 2012.

Variation of the Designated Premises Supervisor

3.16 Between July and September 2012, a total of 138 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 Licence Reviews

3.17 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.

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

3.19 There were two reviews of premises licences under section 51 of the Licensing Act 2003 during the quarter.

3.20 See section 5.2 below re an appeal lodged in respect of the AXM review.

Applicant for Review	Review Type	Premises Name	Premises Address	Interim Steps Taken	Summary of action taken
Greater Manchester Police	Summary Review of Premises Licence	Sugar Buddha	Whitworth Street West, Arch 12 Deansgate Locks, M1 5WW	1. Suspension of DPS. (John Rennie to be temporary DPS pending the full review). 2. Change the door team to Radius.	Licence modified so that John Rennie is to remain as new DPS on the licence and the following conditions were added -  1. GMP to be notified in advance of any intended application to change the DPS.

					2. All security staff used at the premises must be from an ACS approved contractor.
Greater Manchester Police	Summary Review of Premises Licence	Queer & Boyz	4 Canal Street, Manchester, M1 3HE	Conditions modified as follows with immediate effect -  1. All drinks to be decanted into plastic/polycarbonate containers. 2. No glasses or glass bottles to be available in areas of the premises to which the public have access.	Conditions modified as follows -  1. All drinks to be decanted into plastic/polycarbonate containers. 2. No glasses or glass bottle to be available in areas of the premises to which the public have access.
Greater Manchester Police	Review of Premises Licence	Twisted	5-7 Wilbraham Road, Manchester, M14 6JS	N/A	Licence revoked on the grounds of the prevention of crime and disorder, prevention of public nuisance and public safety.
MCC Environmental Health	Review of Premises Licence	Frankie's Bar	57 Booth Street West, Manchester, M15 6PQ	N/A	Licence revoked and DPS removed on the grounds of prevention of crime and disorder and prevention of public nuisance
Greater Manchester Police	Review of Premises Licence	AXM	100 Bloom Street, Manchester, M1 3LX	N/A	Hours amended - premises to close at 04:30 and all licensable activities to cease at 04:00  All existing conditions to be removed from the licence and replaced with a new operating schedule ( <b>see appendix 1 for details</b> )

### Surrendered / Lapsed Licences

3.21 Twenty Premises licences were surrendered by the respective licence holders between July and September 2012.

- 3.22 Two Premises Licences lapsed between July and September 2012. One licence lapsed due to the insolvency of the licence holder and one licence lapsed due to the death of the licence holder.

#### Personal Licences

- 3.23 Between July and September 2012, a total of 107 applications for personal licences were received. Of these, 106 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 1 October 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 Three new licence applications for betting shops were granted during this quarter. No objections were received against two of the applications and the applications were granted under delegated authority by officers. Objections were received with respect to one application and this was granted following a decision made by the Licensing Sub-Committee.



### Premises Licence Variations

- 4.5 One application to vary a casino premises licence and one to vary a bingo premises licence were received in this quarter. The casino application was to exclude the default condition that no facilities for gambling shall be provided on the premises between the hours of 6am and noon on any day and also to approve a variation to the internal layout of the premises. The bingo application was to approve a variation to the internal layout of the premises. No objections were received and both 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 Between July and September 2012 two applications to transfer a betting premises licence under the Gambling Act 2005 were received. Both applications were granted under delegated authority by officers as no objections were received.

### Surrendered / Lapsed Licences

- 4.8 No premises licences under the Gambling Act 2005 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 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 one application for a Club Machine Permit were granted under delegated authority as no objections were made. Two applications for alcohol-licensed premises gaming machine permits were made and 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 the 3-yearly permit issued under the previous licensing regime.
- 4.15 During the quarter, four 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 One registration to conduct a small society lottery 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)	2
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)	4
Club Machine Permits	1
Club Gaming Permits	1
Small Society Lottery Registration	1
Transfer of Licensed Premises Gaming Machine Permit	0

## 5.0 Appeals

- 5.1 No new appeals have been lodged between 1 July and 30 September 2012.
- 5.2 An appeal was lodged on 18 October by Redgriff Limited in respect of the decision of the Licensing Sub Committee on 19 September 2012 to modify the conditions and the hours for licensable activities on the licence for AXM, 100 Bloom Street, Manchester, M1 3LX. The decision was made following a review of the premises licence. The appeal is to be heard on 13 and 14 March 2013. The appeal falls outside the time period covered by this report so details are given for information only.

Premises	Date Appeal Lodged	Date Appeal Resolved
AXM, 100 Bloom Street, Manchester, M1 3LX	18 October 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 July and 30 September 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.

**Licensing Sub-committee hearing on 18/09/2012 re Review of Premises Licence regarding:**

AXM  
100 Bloom Street  
Manchester  
M1 3LX

**Hours**

**Premises to close at 04:30 all licensable activities cease at 04:00**

**All existing conditions to be removed off the licence and replaced with the following:**

- 1 Last condition of entry 03:00
- 2 Any area where customers have legitimate access must be sufficiently illuminated for the purposes of CCTV.
  - a CCTV must be in operation at any time a person is in the premises.
  - b All CCTV recorded images will have sufficient clarity / quality / definition to enable facial recognition.
  - c CCTV will be kept in an unedited format for a minimum period of 28 days.
  - d CCTV will be maintained on a regular basis and kept in good working order at all times.
  - e CCTV maintenance records to be kept with details of contractor used and work carried out to be recorded.
  - f Where CCTV is recorded on to a hard drive system any DVD's subsequently produced will be in a format so it can be played back on a standard personal computer or standard DVD player.
  - g Where CCTV is recorded on to a hard drive system, the hard drive system must have a minimum of 28-day roll over recording period.
  - h Where CCTV is recorded on to VHS cassette tapes there will be a minimum of 28 days worth of VHS cassettes. These must be indexed and used on a roll over basis.
  - i Any person left in charge of the premises must be trained in the use of any such CCTV equipment and able to produce / download / burn CCTV images upon request by a person from a responsible authority.
  - j Plans indicating the position of CCTV cameras to be submitted to the responsible bodies within one week of the granting of a licence requiring CCTV.
  - k Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
- 3 Clubscan/IDSCAN or similar system installed with a TV monitor at the entrance capturing persons entering and leaving.
- 4 SIA registered doorstaff to be employed from a company with ACS accreditation
- 5 A written record shall be kept on the premises by the Licence Holder of every person employed on the premises as security personnel in a register kept for that purpose. That record shall contain the following details:-

- i) the door supervisor's name, date of birth and home address;
  - ii) his/her Security Industry Authority licence number;
  - iii) the time and date he/she starts and finishes duty;
  - iv) the time of any breaks taken whilst on duty;
  - v) each entry shall be signed by the door supervisor.
- b) That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.
- 6 When employed all doorstaff will wear Hi-Vis jackets both internally and externally
- 7 When the premises are being used for externally promoted events then the City Partnership/ Licensing and Events offices at Bootle Street Police Station must be notified at least 28 days prior to the event taking place in order that a risk assessment be carried out by the premises in relation to any such event.
- 8 The Challenge 25 policy will be implemented in full and appropriate identification will be sought from any person who appears under the age of 25. The only acceptable forms of identification will be passport, photo driving licence and those carrying the PASS logo.
- 9 Staff training will include the Challenge 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 to persons under the age of 18. The training will be given to a new member of staff before they commence paid employment and all staff will be retrained quarterly. Training also to include drugs, conflict management and drunkenness.
- 10 All training will be documented.
- 11 All drinks to be decanted into Polycarbonate/Plastic drinking vessels at point of sale
- 12 The Nitenet radio link shall be implemented, maintained and used
- 13 Documented dispersal, smoking and search/drugs policies to be implemented in agreement with Greater Manchester Police and lodged with all responsible authorities within 14 days of licence being varied.
- 14 Incident book to be implemented and open to inspection by any authorized officer of GMP or Manchester City Council.
- 15 There shall be provided at the premises door supervisors who are registered with the Security Industry Authority to such a number, as the management of the premises consider sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity
- 16 A minimum of 2 SIA trained door supervisors must be present at the premises between the hours of 2100 and 30 min after close of business on Sunday to Thursdays.
- 17 A minimum of 6 SIA trained door supervisors must be present at the premises between the hours of 2100 and 30 min after close of business on Fridays and Saturdays.
- 18 Start times of the Security team on a Friday and Saturday night will ensure that the main entrance will be staffed and both the ground and first floor (when open) have dedicated SIA registered security staff on duty conducting roving patrols. The Hart Street entrance to also be monitored by SIA door staff.

- 19 Staff Members (with proof of ID) from premises within the Village shall be granted 'automatic' membership and be allowed entrance up to 30 minutes prior to close.
- 20 A member of staff must attend at least 6 meetings of the Manchester Pub and Club watch annually.
- 21 The DPS will meet regularly with all security staff and discuss recent incidents that have occurred inside the premises. Discussion to include 'Hot Spots' and peak times for disorder to ensure staff fully aware of issues.
- 22 The premises licence holder shall take active steps to ensure that illegal drugs or weapons are not taken into the premises including a random search policy of patrons entering the premises. Patrons who refuse to be searched prior to entry will not be permitted entry to the premises.
- 23 A notice will be displayed in clear and prominent position at the entrance to the premises advising patrons they will be refused entry to the premises if they refuse to be searched.
- 24 Any person found to be using illegal drugs within the premises will be removed from the premises and the police must be notified.
- 25 Persons who appear to have consumed excessive alcohol will not be permitted entry to the premises.
- 26 Notices will be displayed regarding security of personal items (i.e. mobile phones, handbags) making customers more security conscious;
- 27 Identifiable patrol/floorwalkers to be on duty to deter theft of items/property
- 28 The management and staff shall make regular checks to ensure the toilets are well maintained.
- 29 All staff shall be provided with adequate and suitable training to make them aware of the problems associated with and how to reduce the risks of the spiking of drinks.
- 30 The management and staff shall ensure that the occupancy limit is not exceeded at any time.
- 31 Regular written risk assessments shall be carried out regarding all the regulated activities which take place in the premises.
- 32 A written evacuation procedure, which includes emergency exit from the premises by disabled customers, shall be implemented at the premises and all staff shall be fully briefed in the procedure.
- 33 No person in the possession of drink in a sealed or unsealed container shall be allowed to enter the premises except for the purpose of delivery.
- 34 No drink shall be removed from the premises in an unsealed container.
- 35 All external windows and doors are to be kept closed after 2300, except for emergency (fire doors) and access/egress (non fire doors)
- 36 No external speakers shall be operated from the premises;
- 37 No glassware to be disposed of after 23:00, and no refuse collections made before 0700;
- 38 Notices shall be prominently displayed near all exits from the premises asking patrons to leave quietly with consideration for local residents.
- 39 Door supervisors shall be required to supervise the area immediately outside the premises to encourage patrons to be quiet and reduce any noise and anti-social behaviour including the Hart Street Entrance.
- 40 A tamper proof noise limiting device shall be fitted to the sound system within the premises, all music played at the premises must pass through this sound limiter.

- 41 By the 14<sup>th</sup> November 2012 all patrons leaving the premises must do so by the Hart Street entrance.
- 42 The smoking area to be situated on Hart street and to be agreed with Greater Manchester Police and Environmental Health.
- 43 No person under the age of 18 shall be permitted entry to or allowed to remain on the premises after 2000 each day.
- 44 The capacity of the premises to remain the same – 580