

**Manchester City Council  
Report for Information**

**Report to:** Licensing Committee – 18 March 2013

**Subject:** Licensing (Premises) applications granted from 1 October to 31 December 2012

**Report of:** Deputy Chief Executive (Neighbourhoods)

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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 759 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 2012, the Licensing Authority determined a total of 45 new premises licence applications. 44 of these resulted in licences being granted. One applications was refused.

- 3.3 Of the 44 granted licences, 19 were granted by way of determination as agreement was reached between all parties. 22 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	45
Granted by Determination	19
Granted by LSC Decision	22
Granted by Officers	3
Refused by LSC Decision	1
Decisions Appealed	0

#### Premises Licence Variations

- 3.5 A total of 32 applications for variation to licensable activities of premises licences were received during the quarter. 11 were 'full' variations under s34 of the Act and 21 were minor variations under s41a.
- 3.6 Of the full variations, three applications were granted by determination. Five were granted by decision of the Licensing Sub-Committee. Officers granted two applications under delegated authority as there were no relevant representations made against the applications. One application was refused.
- 3.7 One appeal was made in respect of the above decisions; see section 5.4 below.
- 3.8 In respect of the 21 minor variation applications received, 20 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. One application was refused as it was considered that a full variation application would be appropriate for the changes requested.

Table 2 – Premises Licences (Variations)

Total applications	32
Granted by Determination	3
Granted by LSC Decision	5
Granted by Officers	2
Refused by LSC Decision	1
Decisions Appealed	0

Minor Variations granted	20
Minor Variations refused	1

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 October and December 2012, a total of 333 TENs were submitted to the Licensing Unit. Of these, 234 were standard TENs and 99 were late TENs.
- 3.11 Of the 234 standard TENs, 13 were rejected by officers because the notification had not been properly made and one was withdrawn by the premises user before any objection was received.
- 3.12 Of the standard TENs, 26 objections were received in total, 16 from Greater Manchester Police only and a further ten from both GMP and MCC Environmental Health department. Of these 26, seven TENs were modified by agreement between the premises user and the objector to allow the event to go ahead, 11 TENs were withdrawn by the premises user prior to the scheduled hearing and in one case the sub-committee decision was not to serve a counter notice nor to impose conditions on the TEN so allowing the event to take place. Seven counter notices were served (following a committee hearing) thereby preventing the events from taking place.
- 3.13 Of the 99 late TENs, seven were rejected by officers because the notification had not been properly made and a total of 26 objections were received, 23 from Greater Manchester Police, one from MCC Environmental Health department and one from both GMP and EH. 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 194 standard TENs and 66 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	234	99	333
Rejected not properly made	13	7	20
Notice withdrawn by applicant	1	-	1

Acknowledged by Officers	194	66	260
TEN modified	7	-	7
Counter Notice served	7	26	33
Conditions added by sub-committee	-	-	-
Counter Notice not served, no conditions	1	-	1
Notice withdrawn by applicant prior to hearing	11	-	11

#### Premises Licence Transfers

3.15 Between October and December 2012, a total of 59 applications to transfer a premises licence were received. Of these, officers granted 58 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 3 January 2013.

#### Variation of the Designated Premises Supervisor

3.16 Between October and December 2012, a total of 105 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received. Of these, officers granted 102 under delegated authority as no objections were received from Greater Manchester Police. GMP objected to three applications, one of which was refused at a hearing before the Licensing Sub-Committee on 25 September 2012 and two before the Sub-Committee on 3 January 2013.

#### 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 no summary reviews of premises licences under section 53A of the Licensing Act 2003 during the quarter.

3.19 A summary review of the premises licence for Shesha Coffee, 3 Walmer Street East, Manchester, M14 5SS, submitted by Greater Manchester Police was later withdrawn due to a defect in the application made by GMP. The hearing scheduled for 17 December 2012 was cancelled.

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

3.21 See section 5.3 below re an appeal lodged in respect of the review of the licence for Gaffs Off Licence.

Applicant for Review	Review Type	Premises Name	Premises Address	Interim Steps Taken	Summary of action taken
Greater Manchester Police	Review of Premises Licence	Gaffs Off Licence	222 Wilmslow Road, Manchester, M14 6LF	N/A	To revoke the licence on the grounds of Crime and Disorder and the Protection of Children from harm.
Trading Standards Service	Review of Premises Licence	Shaz Wines	165 Broom Lane, Manchester, M19 3LX	N/A	Additional conditions attached to the licence <b>(see appendix 1 for details)</b>

#### Surrendered / Lapsed Licences

3.22 Ten premises licences were surrendered by the respective licence holders between October and December 2012.

3.23 No premises licences lapsed between October and December 2012.

#### Personal Licences

3.24 Between October and December 2012, a total of 101 applications for personal licences were received. All were granted under delegated authority by officers as no objections were received from Greater Manchester Police.

### **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 No new licence applications under the Gambling Act 2005 were granted during this quarter.

#### Premises Licence Variations

- 4.5 One application to vary a casino premises licence was received in this quarter. The application was to relocate the premises from its current location at 40-46 Princess Street, to a new location at the former Electric Circus AGC premises, part of 110-114 Portland Street, and to approve amended premises licence plans as submitted with the application. No objections were 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 under the Gambling Act 2005 during this quarter.

#### Transfer of a Gambling Premises Licence

- 4.7 Between October and December 2012 one application to transfer a betting premises licence and one to transfer a bingo 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 One betting premises licence under the Gambling Act 2005 was surrendered during this quarter. The licence has been superseded by a new licence granted due to the premises being extended.

#### 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, no applications for either Club Gaming Permits or Club Machine Permits were received. Nor were any applications for alcohol-licensed premises gaming machine permits received.
- 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, six 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 Five registrations to conduct a small society lottery 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)	6

Club Machine Permits	0
Club Gaming Permits	0
Small Society Lottery Registration	5
Transfer of Licensed Premises Gaming Machine Permit	0

## 5.0 Appeals

- 5.1 One new appeal has been lodged between 1 October and 31 December 2012 for Gaffs Off Licence, details in section 5.3 below. Another new appeal was lodged on 8 January 2013. This appeal falls outside the time period covered by this report so details are given for information only, details in section 5.4 below.
- 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.
- 5.3 An appeal was lodged on 13 December by Mr Abdul Gaffar in respect of the decision of the Licensing Sub Committee on 1 October 2012 to revoke the licence for Gaffs Off Licence, 222 Wilmslow Road, Manchester, M14 6LF. The decision was made following a review of the premises licence. The appeal was dismissed at the pre-trial review hearing on 17 January 2013 as it was judged to have not been properly made.
- 5.4 An appeal was lodged on 8 January 2013 by Mr Qasim Ellahi in respect of the decision of the Licensing Sub Committee on 27 November 2012 to refuse an application to vary the premises licence for an Off Licence at 659 Hyde Road, Manchester, M12 5PS. The variation was to extend the permitted hours until 4.00am each day. The appeal is to be heard on 24 May 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	
Gaffs Off Licence, 222 Wilmslow Road, Manchester, M14 6LF	13 December 2012	17 January 2013
Off Licence, 659	8 January 2013	

Hyde Road, Manchester, M12 5PS		
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## **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 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 12/12/2012 re Review of Premises Licence regarding:**

Shaz Wines  
165 Broom Lane  
Manchester  
M19 3LX

**Additional conditions added to the licence as follows:**

1. The premises shall install a digital CCTV system. Images should be retained for a period of 31 days and should be downloadable to disc and a copy made available to responsible authorities on request. All staff members should be trained on the operation of the system and be competent in downloading images onto disc.
2. A Personal Licence holder shall be on the premises at all time the premises are carrying out a licensable activity, i.e. the sale of alcohol by retail.
3. The premises should operate and promote the Challenge 25 policy whereby any person attempting to buy alcohol and other age restricted products who appears to be under 25 should be asked to produce appropriate ID. The only ID that should be accepted is a passport, photo driving licence or PASS accredited proof of age card.
4. All staff should be trained with regards to the Challenge 25 policy and forms of acceptable ID. Staff should also be trained to look out for and take action to prevent proxy sales taking place. This training should be recorded in writing. Training should be repeated on a regular basis, every three months and details of repeat training should also be recorded in writing.
5. The premises shall install an EPOS till prompt system. Whereby when age restricted products are scanned the staff member is prompted to challenge the customer in line with the premises' Challenge 25 policy.
6. The premises should display appropriate signage indicating that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol. Premises are also to display appropriate signage advising customers of the premises' Challenge 25 policy.
7. The premises should operative a refusals book and this should be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff.
8. The Designated Premises Supervisor is to maintain a notice of authority book for all staff who sell alcohol.