

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 10 June 2013

Subject: Licensing (Premises) applications granted from 1 January to 31 March 2013

Report of: Deputy Chief Executive (Neighbourhoods)

Summary

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

Recommendations

That Members note the report.

Wards Affected:

All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
Reaching full potential in education and employment	
Individual and collective self esteem – mutual respect	

Neighbourhoods of Choice	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives; in relation to the Licensing Act these are the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.
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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

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 637 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 2013, the Licensing Authority determined a total of 27 new premises licence applications. 25 of these resulted in licences being granted. Two applications were refused.

- 3.3 Of the 25 granted licences, 12 were granted by way of determination as agreement was reached between all parties. 11 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	27
Granted by Determination	12
Granted by LSC Decision	11
Granted by Officers	2
Refused by LSC Decision	2
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 were minor variations under s41a.
- 3.6 Of the full variations, one application was granted by determination. 12 were granted by decision of the Licensing Sub-Committee. Officers granted four applications under delegated authority as there were no relevant representations made against the applications. No applications were 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	1
Granted by LSC Decision	12
Granted by Officers	4
Refused by LSC Decision	0
Decisions Appealed	0
Minor Variations granted	12
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 January and March 2013, a total of 207 TENs were submitted to the Licensing Unit. Of these, 148 were standard TENs and 59 were late TENs.
- 3.11 Of the 148 standard TENs, 10 were rejected by officers because the notification had not been properly made.
- 3.12 Of the standard TENs, ten objections were received in total, five from Greater Manchester Police only, two from MCC Environmental Health department only and a further three from both GMP and Environmental Health. Of these ten, five TENs were withdrawn by the premises user prior to the scheduled hearing, one objection was withdrawn by Environmental Health prior to the 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. Three counter notices were served (following a committee hearing) thereby preventing the events from taking place.
- 3.13 Of the 59 late TENs, three were rejected by officers because the notification had not been properly made, one was withdrawn by the applicant prior to the event taking place and 9 objections were received, all 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 130 standard TENs and 46 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	148	59	207
Rejected not properly made	10	3	13
Notice withdrawn by applicant	5	1	6
Acknowledged by Officers	130	46	176
TEN modified	-	-	-
Counter Notice served	3	9	12

Conditions added by sub-committee	-	-	-
Counter Notice not served, no conditions	1	-	1
Notice withdrawn by applicant prior to hearing	5	-	5

Premises Licence Transfers

3.15 Between January and March 2013, a total of 26 applications to transfer a premises licence were received. All were granted by officers under delegated authority as no objections were received from Greater Manchester Police.

Variation of the Designated Premises Supervisor

3.16 Between January and March 2013, a total of 86 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received. All were granted by officers under delegated authority as no objections were received from Greater Manchester Police.

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 was one review of a premises licence under section 51 of the Licensing Act 2003 during the quarter.

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

1) V20, 94-96 Grosvenor Street, Manchester, M1 7HL	
Applicant for Review:	Greater Manchester Police
Review Type:	Summary Review of Premises Licence
Interim Steps Taken:	Following conditions added to the licence: 1) Hand-held metal detectors to be operated by door supervisors monitoring the front entrance at all times and used on all patrons; door supervisors at the rear exit will also operate hand-held metal detectors when customers are being readmitted to the premises from

	<p>the smoking area.</p> <p>2) A fully functioning knife arch shall be installed within the front entrance doorframe of the premises. The knife arch will be operational during the hours of licensable activities. All people entering the premises must pass through the knife arch.</p> <p>3) All doorstaff will be employed through an SIA registered company.</p> <p>4) During the hours of licensable activity at least one member of doorstaff shall be female.</p> <p>5) At the close of premises four doorstaff will remain outside the premises for at least thirty minutes to actively manage the quiet, orderly dispersal of all customers.</p>
Summary of action taken:	The Committee made the decision to modify the conditions of the premises licence in accordance with the interim steps proposed at the interim hearing held on the 19th December 2012.
2) The Birdcage, Unit 3 Arndale Exchange, Withy Grove, Manchester, M4 3AT	
Applicant for Review:	Greater Manchester Police
Review Type:	Summary Review of Premises Licence
Interim Steps Taken:	<p>The following interim measures were imposed</p> <p>1) All licensable activities suspended Monday-Thursday.</p> <p>2) Metal detectors or knife arches to be in operation at all entrances.</p> <p>3) The ratio of SIA door staff employed is to be 1:80 whenever the premises are open to the public.</p> <p>4) An ID scan to be utilised for all patrons who have not pre-booked to attend at the premises.</p>
Summary of action taken:	<p>Following an appeal lodged against the Interim Steps imposed, a further sub committee substituted the interim steps with the following conditions:</p> <p>1) At all times the premises is open to the public there shall be in working order a fixed metal detector (knife arch). No patron shall be allowed entry to the premises unless they have been screened by the knife arch. Where metal is detected by the knife arch, that patron shall be searched before entry to the premises is permitted. Where any prohibited article is found on any person, door staff shall contact the police as soon as reasonably practicable.</p> <p>2) ID scanner to be used such that other than prebooked parties the details of every patron must be recorded from a passport/driving licence/PASS ID before being allowed entry to the premises. The details</p>

	<p>that must be recorded from the document/ID card must include the patrons name and date of birth. Each patrons time of entry must accompany those details.</p> <p>3) Where the premises promote a night solely designed to attract the attendance of students, entry to the premises on those nights shall be refused to every patron unless that person can produce a photographic National Union of Students or other photographic student identification card.</p> <p>4) Any person working at the premises as a door supervisor must belong to an SIA company accredited under the Approved Contractor Scheme. The SIA ACS company providing doorstaff must not be contracted by a third party. The ratio of door supervisors to patrons must be no less than 1:100 on Friday/Saturday nights. At any other time the ratio of door supervisors to patrons must be 1:80. Door supervisors to carry out random searches of patrons.</p> <p>The sub committee also amended Annex 2 condition 8 as follows -</p> <p>8) All staff and management shall be provided with adequate and suitable training to enable them to deal with incidents of disorder within the premises. Such training to be undertaken by all new staff as part of their induction. Refresher training to be repeated on a 6 monthly basis for all staff. Training records must be kept and made available for inspection to all Responsible Authorities on request. The training to be to a standard approved by GMP.</p> <p>All the above conditions were added to the licence at the full review hearing on 27/02/2013</p>
3) Krunchy Fried Chicken, 43 Bloom Street, Manchester, M1 3LY	
Applicant for Review:	Greater Manchester Police
Review Type:	Review of Premises Licence
Interim Steps Taken:	N/A
Summary of action taken:	Licence revoked on the grounds of Crime and Disorder.

Surrendered / Lapsed Licences

- 3.21 15 premises licences were surrendered by the respective licence holders between January and March 2013.
- 3.22 One premises licences lapsed between January and March 2013 due to the licence holder being dissolved.

Personal Licences

3.23 Between January and March 2013, a total of 109 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 Three new licence applications under the Gambling Act 2005, for betting shops, were granted during this quarter.

Premises Licence Variations

4.5 One application to vary a bingo premises licence was received in this quarter. The application was to amend the layout of the premises as detailed in the plan 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 January and March 2013 one application to transfer a bingo premises licence under the Gambling Act 2005 was received. The application was granted under delegated authority by officers as no objection was received.

Surrendered / Lapsed / Revoked Licences

- 4.8 One betting premises licence under the Gambling Act 2005 was surrendered during this quarter. The licence was surrendered by the operator due to the opening of a new shop nearby.
- 4.9 One betting premises licence under the Gambling Act 2005 was revoked during this quarter due to the failure of the licence holder to pay an annual fee.

Permits / Notifications / Small Society Lotteries

- 4.10 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.
- 4.11 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.
- 4.12 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
- 4.13 It is only possible to grant or reject an application for a permit as no conditions may be attached to a permit.
- 4.14 During the quarter, one application for a Club Machine Permit and one application for a Family Entertainment Centre Gaming Machine Permit were granted as applied for.
- 4.15 No applications for Alcohol Licenced Premises Gaming Machine Permits were received during this quarter.
- 4.16 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.

- 4.17 During the quarter, six notifications under section 282 were received and acknowledged by the Licensing Unit.
- 4.18 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.
- 4.19 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	1
Club Gaming Permits	0
Family Entertainment Centre Gaming Machine Permits	1
Small Society Lottery Registration	5
Transfer of Licensed Premises Gaming Machine Permit	0

5.0 Appeals

- 5.1 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.
- 5.2 Following discussion between the parties the Licensing Authority reviewed its decision and, in light of the modifications proposed, an agreement was reached between the parties, as follows:

- 5.2.1 Licensable Activities (excluding late night refreshment which remains 23.00 to 02.30): 1:00 to 04:00 Sunday to Thursday and 05.00 Friday & Saturday
- 5.2.2 Hours open to the public: 11.00 to 04.30 Sunday to Thursday and 05.30 Friday & Saturday
- 5.2.3 Last entry condition: 04.00 on Friday and Saturday only. Condition 1 to be removed.
- 5.2.4 Conditions 17 & 18 to read:
 - 17) A minimum of 2 SIA trained door supervisors must be present at the premises from whenever the premises is open to the public to 30 mins after close of business on Sunday to Thursdays.
 - 18) A minimum of 6 SIA trained door supervisors must be present at the premises from whenever the premises is open to the public to 30 mins after close of business on Friday and Saturdays.

All the other conditions imposed by the Licensing Sub-Committee will remain.

- 5.3 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 was due to be heard on 24 May 2013 but was withdrawn by the appellant due to insufficient funds to proceed. The appellant paid a contribution of £200 towards MCC costs.

Premises	Date Appeal Lodged	Date Appeal Resolved
AXM, 100 Bloom Street, Manchester, M1 3LX	18 October 2012	13 March 2013
Off Licence, 659 Hyde Road, Manchester, M12 5PS	8 January 2013	6 March 2013

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 January and 31 March 2013. 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.