

**Manchester City Council  
Report for Information**

**Report to:** Licensing Committee – 27 August 2013

**Subject:** Licensing (Premises) applications granted from 1 April to 30 June 2013

**Report of:** Head of Planning Building Control and Licensing

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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 913 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 2013, the Licensing Authority determined a total of 28 new premises licence applications. 26 of these resulted in licences being granted. Two applications were refused.

- 3.3 Of the 26 granted licences, 8 were granted by way of determination as agreement was reached between all parties. Ten licences were granted following decisions made by the Licensing Sub-Committee. Eight 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	28
Granted by Determination	8
Granted by LSC Decision	10
Granted by Officers	8
Refused by LSC Decision	2
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 39 applications for variation to licensable activities of premises licences were received during the quarter. 18 were 'full' variations under s34 of the Act and 21 were minor variations under s41a.
- 3.6 Of the full variations, two applications were granted by determination. nine were granted by decision of the Licensing Sub-Committee. Officers granted seven applications under delegated authority as there were no relevant representations made against the applications. One application was refused.
- 3.7 No appeals were made in respect of any of the above decisions.
- 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 the variation proposed could adversely impact upon the licensing objectives.

Table 2 – Premises Licences (Variations)

Total applications	39
Granted by Determination	2
Granted by LSC Decision	8
Granted by Officers	7
Refused by LSC Decision	1
Decisions Appealed	0
Minor Variations granted	20

Minor Variations refused	1
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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 2013, a total of 241 TENs were submitted to the Licensing Unit. Of these, 184 were standard TENs and 57 were late TENs.
- 3.11 Of the 184 standard TENs, three were rejected by officers because the notification had not been properly made.
- 3.12 Of the standard TENs, nine objections were received in total, five from Greater Manchester Police only, three from MCC Environmental Health department only and one from both GMP and Environmental Health. Of these nine, three TENs were withdrawn by the premises user prior to the scheduled hearing. In three cases the sub-committee decision was not to serve a counter notice nor to impose conditions on the TENs so allowing the events to take place. In one case the sub-committee decision was not to serve a counter notice but to impose conditions on the TEN so allowing the event to take place and in one further case the TEN was modified by GMP prior to the hearing and the event was permitted to take place under this modified TEN. One counter notice were served by the sub-committee thereby preventing the event from taking place.
- 3.13 Of the 57 late TENs, one was rejected by an officer because the notification had not been properly made, five were withdrawn by the applicant prior to the event taking place and seven objections were received, six from Greater Manchester Police and one from MCC Environmental Health department. 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 184 standard TENs and 57 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	184	57	241
Rejected not properly made	3	1	4

Notice withdrawn by applicant	4	5	9
Acknowledged by Officers	181	56	237
TEN modified	1	-	1
Counter Notice served	1	7	8
Conditions added by sub-committee	1	-	1
Counter Notice not served, no conditions	3	-	3
Notice withdrawn by applicant prior to hearing	3	-	3

### Premises Licence Transfers

- 3.15 Between April and June 2013, a total of 49 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 April and June 2013, a total of 131 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 no 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. The review was in respect of a premises Rayan, 889 Stockport RD, the details are listed below
- 3.20 An application to review the premises licence for Boom Off Licence, 51 Wilmslow Road, Manchester, M14 5TB was submitted by Greater Manchester Police on 11 June. This is scheduled to be heard by the sub-committee on 6 August.

<b>1) Rayan, 889 Stockport Road, Manchester, M19 3PG</b>	
<b>Applicant for Review:</b>	Greater Manchester Police
<b>Review Type:</b>	Review of Premises Licence
<b>Interim Steps Taken:</b>	N/A
<b>Summary of action taken:</b>	Licence revoked on the grounds of the prevention of crime and disorder and the protection of children from harm.
<b>2) Boom Off Licence, 51 Wilmslow Road, Manchester, M14 5TB</b>	
<b>Applicant for Review:</b>	Greater Manchester Police
<b>Review Type:</b>	Review of Premises Licence
<b>Interim Steps Taken:</b>	N/A
<b>Summary of action taken:</b>	Hearing scheduled for 06/08/2013

#### Surrendered / Lapsed Licences

- 3.21 Ten premises licences were surrendered by the respective licence holders between April and June 2013.
- 3.22 One premises licence lapsed between April and June 2013 due to the bankruptcy of one partner and the consequent dissolution of the partnership that held the licence.
- 3.23 One club premises certificate lapsed between April and June 2013 due to the insolvency of the club in whose name the certificate was held.

#### Personal Licences

- 3.24 Between April and June 2013, a total of 78 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 Four new licence applications under the Gambling Act 2005, three for betting shops and one for a bingo premises, were granted during this quarter.

#### Premises Licence Variations

4.5 No applications to vary a premises licence under the Gambling Act 2005 were received in this quarter.

#### 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 premises licence under the Gambling Act 2005 were received in this quarter.

#### Surrendered / Lapsed / Revoked Licences

4.8 No premises licences under the Gambling Act 2005 were either surrendered or lapsed or were revoked 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, nine applications for a Family Entertainment Centre Gaming Machine Permit, all located at Manchester Airport, were granted as applied for. The applications were made to replace the existing permits held by Leisure Projects Ltd following the transfer of the business to Playnation Ltd. There is no provision under the Gambling Act to transfer a Family Entertainment Centre Gaming Machine Permit.
- 4.14 Six applications for Alcohol Licenced Premises Gaming Machine Permits were granted as applied for during this quarter.
- 4.15 Licensing authorities are also responsible for receiving, from holders of alcohol-licensed premises (under the 2003 Act), notifications that they intend to exercise their automatic entitlement to two gaming machines in their premises under section 282 of the Act. Such applications are made to the authority upon the expiry of the 3-yearly permit issued under the previous licensing regime.
- 4.16 During the quarter, six notifications under section 282 were received and acknowledged by the Licensing Unit.
- 4.17 The Gambling Act 2005 requires the local authority to register non-commercial societies who wish to conduct fund-raising lotteries. It is possible to refuse a registration based on certain criteria as defined in the Act. One example is if the Authority is not satisfied the society in question cannot be deemed non-commercial.
- 4.18 Two 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)	6
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
Family Entertainment Centre Gaming Machine Permits	9
Small Society Lottery Registration	2
Transfer of Licensed Premises Gaming Machine Permit	0

## **5.0 Appeals**

- 5.1 There are no appeals pending against any decisions taken by the Licensing sub-committee.

## **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 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.