

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 28 October 2013

Subject: Licensing (Premises) applications granted from 1 July to 30 September 2013

Report of: Head of Planning, Building Control & Licensing

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 820 applications during this quarter.

3.0 Licensing Act 2003

- 3.1 The Licensing Act 2003 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 2013, the Licensing Authority determined a total of 26 new premises licence applications. 23 of these resulted in licences being granted. Three applications were refused.
- 3.3 Of the 23 granted licences, 8 were granted by way of determination as agreement was reached between all parties. 14 licences were granted

following decisions made by the Licensing Sub-Committee. One was 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	26
Granted by Determination	8
Granted by LSC Decision	14
Granted by Officers	1
Refused by LSC Decision	3
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 26 applications for variation to licensable activities of premises licences were received during the quarter. 11 were ‘full’ variations under s34 of the Act and 15 were minor variations under s41a.
- 3.6 Of the full variations, 3 were granted by determination and 8 were granted by decision of the Licensing Sub-Committee. No applications were granted under delegated authority by officers and no applications were refused.
- 3.7 No appeals were made in respect of any of the above decisions.
- 3.8 In respect of the 15 minor variation applications received, 14 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	26
Granted by Determination	3
Granted by LSC Decision	8
Granted by Officers	0
Refused by LSC Decision	0
Decisions Appealed	0
Minor Variations granted	14
Minor Variations refused	1

Temporary Event Notices

- 3.9 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 2013, a total of 218 TENs were submitted to the Licensing Unit. Of these, 144 were standard TENs and 74 were late TENs.
- 3.11 There were 3 objections to standard TENs by MCC Environmental Health, all of which resulted in the Notice being modified following agreement between the Premises User and Environmental Health.
- 3.12 Of the 57 late TENs, 20 objections were received from either Greater Manchester Police or 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.
- 3.13 A total of 141 standard TENs and 54 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	144	74	218
Rejected not properly made	-	-	-
Notice withdrawn by applicant	-	-	-
Acknowledged by Officers	141	54	195
TEN modified	3	-	3
Counter Notice served	-	20	20
Conditions added by sub-committee	-	-	-
Counter Notice not served, no conditions	-	-	-
Notice withdrawn by applicant prior to hearing	-	-	-

Premises Licence Transfers

- 3.14 Between July and September 2013, a total of 52 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

- 3.15 Between July and September 2013, a total of 137 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

- 3.16 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.
- 3.17 There was one summary review of a premises licences under section 53A of the Licensing Act 2003 during the quarter in respect of Aastoria, 2 Empire Street, M3 following a large scale disturbance outside the premises.
- 3.18 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 Boom Off Licence, 51 Wilmslow Road, Manchester, M14 submitted by Greater Manchester Police.

1) Aastoria, 2 Empire Street, Manchester, M3 1JA	
Applicant for Review:	Greater Manchester Police
Review Type:	Summary Review of Premises Licence
Interim Steps Taken:	Suspension
Summary of action taken:	No action
2) Boom Off Licence, 51 Wilmslow Road, Manchester, M14 5TB	
Applicant for Review:	Greater Manchester Police
Review Type:	Review of Premises Licence
Interim Steps Taken:	N/A
Summary of action taken:	Licence suspended for 1 month

Surrendered / Lapsed Licences

- 3.19 18 premises licences were surrendered by the respective licence holders between July and September 2013.
- 3.20 7 premises licence lapsed between July and September 2013 due to insolvency of the licence holders.

Personal Licences

- 3.21 Between July and September 2013, a total of 100 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 Two new licence applications under the Gambling Act 2005 were made and granted for betting shops at hearing by a Licensing Sub-Committee during this quarter.

Premises Licence Variations

- 4.5 Two applications to vary a premises licence under the Gambling Act 2005 were received and granted in this quarter, both to vary the internal layouts of the premises (1 betting, 1 bingo).

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 There was one applications to transfer a premises licence under the Gambling Act 2005 in respect of an Adult Gaming Centre received and granted 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, two applications for Alcohol Licensed Premises Gaming Machine Permits were granted as applied for during this quarter.
- 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, no 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)	0
Club Machine Permits	0
Club Gaming Permits	0
Family Entertainment Centre Gaming Machine Permits	0
Small Society Lottery Registration	1
Transfer of Licensed Premises Gaming Machine Permit	0

5.0 Other miscellaneous licences

5.1 Other licences and permits granted during the quarter are listed below:

Table 5 – Other Permits and Licences granted

Permit / Licence Type	Total (granted)
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	8
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	3
Registration as a scrap metal dealer	6
Skip Permit	128
Registration as a Skip Provider	3
Street Collection Permit	38
Street Trading Consent	6
Street Trading Licence	2
Tables and Chairs on the highway (New)	12

Tables and Chairs on the highway (Renewal)	11
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- 5.2 Other licences and permits refused during the quarter are listed below. All were refused following hearings by the Licensing Sub-Committee.:

Table 6 – Other Permits and Licences refused

Permit / Licence Type	Total (refused)
Street Trading Consent	4
Street Trading Licence	1

6.0 Appeals

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

7.0 Contributing to the Community Strategy

7.1 Performance of the economy of the region and sub region

- 7.1.1 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.

7.2 Reaching full potential in education and employment

7.3 Individual and collective self esteem – mutual respect

7.4 Neighbourhoods of Choice

- 7.4.1 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.

8.0 Key Policies and Considerations

8.1 Legal Considerations

- 8.1.1 All applications have to be processed in accordance with the requirements of their respective 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.

9.0 Conclusion

- 9.1 The report provides the Committee with statistical information regarding premises licensing applications processed between 1 June and 30 September 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.