

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 10 November 2014

Subject: Licensing (Premises) applications between 1 April and 30 June 2014

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.
--------------------------	--

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

Contact Officers:

Name: Jenette Hicks
Position: Licensing Unit Manager

Telephone: 0161 234 4962
E-mail: j.hicks1@manchester.gov.uk

Name: Fraser Swift
Position: Principal Licensing Officer
(Premises)

Telephone: 0161 234 1176
E-mail: f.swift@manchester.gov.uk

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 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, Members are aware that 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, legislation states 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 Team 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 April and June 2014, the Licensing Authority determined a total of 31 new premises licence applications. 28 of these resulted in licences being granted. 3 applications were refused.

- 3.3 Of the 28 granted licences, 12 were granted by way of determination as agreement was reached between all parties, 12 licences were granted following decisions made by the Licensing Sub-Committee and four were granted under delegated authority by officers as no representations were received.
- 3.4 No appeals were made in respect of any of the above decisions.

Table 1 – Premises Licences (New)

Total applications	31
Granted by Determination	12
Granted by LSC Decision	12
Granted by Officers	4
Refused by LSC Decision	3
Decisions Appealed	0

Premises Licence Variations

- 3.5 A total of 38 applications for variation to licensable activities of premises licences were received during the quarter. 16 were 'full' variations under s34 of the Act and 22 were minor variations under s41a.
- 3.6 Of the full variations, one was granted by determination and 11 were granted by decision of the Licensing Sub-Committee. Three applications were granted under delegated authority by officers and one application was refused by decision of the Licensing Sub-Committee.
- 3.7 No appeals were made in respect of any of the above decisions.
- 3.8 In respect of the 22 minor variation applications received, 21 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	38
Granted by Determination	1
Granted by LSC Decision	11
Granted by Officers	3
Refused by LSC Decision	1
Decisions Appealed	0
Minor Variations granted	21
Minor Variations refused	1

Temporary Event Notices

- 3.9 A standard temporary event notice (TEN) must be submitted no later than ten working days before the event period begins, whereas a late TEN can be submitted no later than five working days, but no earlier than nine working days, before the day the event period begins.
- 3.10 Between April and June 2014, a total of 329 TENs were submitted to the Licensing team. Of these, 206 were standard TENs and 123 were late TENs.
- 3.11 15 of the standard TENs and one of the late TENs were withdrawn by the applicants before the event took place.
- 3.12 Two standard TENs and seven Late TENs were rejected by officers as they were not properly made.
- 3.13 Objections were submitted by Greater Manchester Police against two standard TENs and one objection was submitted by MCC Environmental Health against one standard TEN. Objections were submitted by both GMP and Environmental Health against four standard TENs. Out of this total of seven objections, five TENs were withdrawn by the applicants prior to the hearing, and, following a hearing before the Licensing Sub-Committee, counter notices were served regarding the remaining two TENs preventing the events from taking place.
- 3.14 Of the remaining 122 late TENs, 24 objections were received from Greater Manchester Police, one objection was submitted by MCC Environmental Health and objections were submitted by both GMP and Environmental Health against one Late TEN. 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.
- 3.15 A total of 182 standard TENs and 89 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	206	123	329
Rejected not properly made	2	7	9
Notice withdrawn by applicant	15	1	16
Acknowledged by Officers	182	89	271
TEN modified	-	-	-
Counter Notice served	2	26	28
Conditions added by sub-committee	-	-	-
Counter Notice not served, no conditions	-	-	-
Notice withdrawn by applicant prior	5	-	5

to hearing			
Objection withdrawn prior to hearing	-	-	-

Premises Licence Transfers

- 3.16 Between April and June 2014, a total of 50 applications to transfer a premises licence were received. All were granted by officers under delegated authority as no objections were received from Greater Manchester.

Variation of the Designated Premises Supervisor

- 3.17 Between April and June 2014, a total of 153 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

- 3.18 A Summary Review is a fast-track process under section 53A of the Licensing Act 2003 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.
- 3.19 There were no Summary Reviews of a premises licences during the quarter.
- 3.20 There were two reviews of a premises licence under section 51 of the Licensing Act 2003 during the quarter.

1) Vina Bar, 34 Charlotte Street, Manchester, M1 4FD	
Applicant for Review:	Greater Manchester Police
Review Type:	Review of Premises Licence under s51
Action taken:	<p>The following conditions added to the licence:</p> <ol style="list-style-type: none"> 1. No drinks to be served in any glass receptacle in the basement area. No customer in the basement area shall be provided with any glassware in the basement area. Customers migrating from the restaurant to the basement area are not permitted to take any glassware with them. 2. Club Scan/ID scan must be operated at all times the premises is

	<p>open to the public. No customer shall be permitted entry to the basement premises without having been scanned on the system. The only acceptable forms of ID are passport or photocard driving licence, or where customers have been scanned previously a fingerprint. Only customers going to the ground floor restaurant are exempt from the requirement to go through the Club scan/ID scan. The premises to display suitable signage outside the premises to inform potential customers that Club scan is in operation in relation to the basement premises.</p> <ol style="list-style-type: none"> 3. All members of staff performing a door supervisory function must belong to an SIA Approved Contractor Status company. 4. There shall be a minimum of 2 members of door staff on duty at the premises from 9 PM on Thursday/Friday/Saturday and all days preceding a Bank Holiday until 30 minutes after close. This number to be increased upon advice from GMP if there are major events in the City. 5. No person shall be permitted entry to the premises after 02:00
2) Vina Noodle Bar, 34 Charlotte Street, Manchester, M1 4FD	
Applicant for Review:	Greater Manchester Police
Review Type:	Review of Premises Licence under s51
Action taken:	<p>The following conditions added to the licence:</p> <ol style="list-style-type: none"> 6. No drinks to be served in any glass receptacle in the basement area. No customer in the basement area shall be provided with any glassware in the basement area. Customers migrating from the restaurant to the basement area are not permitted to take any glassware with them. 7. Club Scan/ID scan must be

	<p>operated at all times the premises is open to the public. No customer shall be permitted entry to the basement premises without having been scanned on the system. The only acceptable forms of ID are passport or photocard driving licence, or where customers have been scanned previously a fingerprint. Only customers going to the ground floor restaurant are exempt from the requirement to go through the Club scan/ID scan. The premises to display suitable signage outside the premises to inform potential customers that Club scan is in operation in relation to the basement premises.</p> <p>8. All members of staff performing a door supervisory function must belong to an SIA Approved Contractor Status company.</p> <p>9. There shall be a minimum of 2 members of door staff on duty at the premises from 9 PM on Thursday/Friday/Saturday and all days preceding a Bank Holiday until 30 minutes after close. This number to be increased upon advice from GMP if there are major events in the City.</p> <p>10. No person shall be permitted entry to the premises after 02:00</p>
--	---

3.21 Please note – Both reviews relate to the same premises where two licences are in force; Vina Bar on the ground floor and Vina Noodle Bar in the basement. Both reviews were submitted at the same time and relate to the same issues and so were dealt with together as they relate to the same facts.

3.22 An appeal has been lodged with respect to both review applications; details in section 6.7 below.

Surrendered / Lapsed Licences

3.23 12 premises licences were surrendered by the respective licence holders between April and June 2014.

3.24 Two Club Premises Certificates were surrendered by the respective holders between April and June 2014.

- 3.25 Two premises licences lapsed between April and June 2014 due to insolvency of the licence holders.

Personal Licences

- 3.26 Between April and June 2014, a total of 121 applications for personal licences were received. All were granted under delegated authority by officers as no objections were received from Greater Manchester Police.
- 3.27 One personal licence was surrendered by the licence holder between April and June 2014.

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 e.g. greyhound racing track such as Belle Vue (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 Between April and June 2014, one new licence for a betting shop under the Gambling Act 2005 was granted at hearing by the Licensing Sub-Committee.

Premises Licence Variations

- 4.5 There were no applications to vary a premises licence under the Gambling Act 2005 during 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 There were no applications to transfer a premises licence under the Gambling Act 2005 during this quarter.

Surrendered / Lapsed / Revoked Licences

- 4.8 No premises licences were surrendered under the Gambling Act 2005 during this quarter and no licences lapsed or were revoked.

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 No applications for an Alcohol Licensed Premises Gaming Machine Permit were received 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, four notifications under section 282 were received and acknowledged by the Premises Licensing team.

- 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 Eight 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 (1 or 2 machines)	4
Club Machine Permits	0
Club Gaming Permits	0
Family Entertainment Centre Gaming Machine Permits	0
Small Society Lottery Registration	8
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)
Animal Boarding Establishment Licence (Renewal)	0
Chaperone Registration	2
House to House Collection Licence	1
Hypnotism Licence	0

Juvenile Employment Licence - Modelling	26
Juvenile Employment Licence – Performance / Sports	50
Juvenile Employment Licence – Work Permit	9
Performing Animals Registration	1
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	15
Pet Shop Licence (Renewal)	2
Poisons List Entry	12
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	10
Registration as a Skip Provider	12
Riding Establishment Licence (Renewal)	0
Scrap Metal Licence	8
Sex Establishment Licence (Renewal)	0
Skip Permit	125
Street Collection Permit	43
Street Trading Consent	41
Street Trading Licence	7
Tables and Chairs on the Highway (New)	15
Tables and Chairs on the Highway (Renewal)	33

6.0 Appeals

6.1 Mayfield Depot, Fairfield Street, Manchester, M1 2QF –

- 6.2 Five separate appeals were made in respect of one application; the decision of the Licensing Sub-committee to grant a licence for the Mayfield Depot, Fairfield Street, Manchester, M1.

6.3 The matter was listed for an 8-day hearing commencing 20 October 2014 but the licence was surrendered 07/08/2014 so the appeal was cancelled with all parties bearing their own costs.

6.4 Red Rum, Basement, 346-348 Wilmslow Road, Manchester, M14 6AB –

6.5 An appeal was lodged by the licence holder against the decision of the Licensing Sub-Committee to revoke the licence.

6.6 The case was listed for a 2 day hearing on 15 and 16 September 2014 but the appeal has now been withdrawn by the appellant.

6.7 Vina Bar/Vina Noodle Bar, 34 Charlotte Street, Manchester, M1 4FD

6.8 Appeals were lodged on 30/06/2014 by the licence holders, S&H Lam Ltd in relation to Vina Bar, and by Mr Hao Gia Lam in relation to Vina Noodle Bar, against the decision of Manchester City Council Licensing Authority to impose conditions on the premises licences on the grounds that the additional conditions were unreasonable in all the circumstances.

6.9 Both appeals are being dealt with together as they are based on the same facts and are listed for hearing on 08/12/2014.

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

The report provides the Committee with statistical information regarding premises licensing applications processed between 1 January and 31 March 2014. 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.