

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 9 February 2015

Subject: Licensing Update

Report of: Head of Planning, Building Control & Licensing

Summary

The report provides the Committee with information regarding national changes and consultations in respect of licensing legislation and policy related issues. The report also provides the Committee with information regarding local projects and initiatives that could contribute to the Licensing Act 2003 Licensing Objectives.

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	
Reaching full potential in education and employment	
Individual and collective self esteem – mutual respect	
Neighbourhoods of Choice	

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: Julie Roscoe
Position: Head of Planning, Building
Control and Licensing
Telephone: 0161 234 4552
E-mail: j.roscoe@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):

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.

Licensing Act 2003 (Personal licences) (Amendment) Regulations 2014

1.0 Introduction

- 1.1 The report provides the Licensing Committee with topical information relevant to premises licensing functions of the licensing authority.

2.0 Personal Licence Renewals

- 2.1 Officers have previously reported that the Government is to deregulate the requirement to renew personal licences, this is now set for sometime in Spring 2015 (expected 6 April). However, this will not be in time to avoid the need for some personal licence holders to renew their licences before the deregulation takes effect. Personal licences currently have a 10-year duration and so any licences originally issued in early 2005, when the Licensing Act 2003 first came into effect, may expire before the deregulation takes effect.
- 2.2 In response, the Government has approved revised regulations to simplify the renewal process and published a revised application form to be used. As a result of the changes, personal licence holders will not have to enclose an application fee, photographs, and criminal convictions certificate or results of a Police National Computer search, and the licensing authority has no remit to require their submission. Instead, they are only required to submit a completed application form with a copy of their licence to the licensing authority who will acknowledge receipt.) A copy of the revised application form is attached at Appendix 1.
- 2.3 Renewal applications must be submitted no later than 1 month before the expiry date of the licence. The Licensing Unit is contacting all Manchester personal licence holder whose licences expire before end of May 2015 to inform them of the requirements. Any applications for renewal will simply be acknowledged by the Licensing Unit.

3.0 Deregulation of entertainment

- 3.1 As well as abolishing the expiry of personal licences, the government is to implement further deregulation in respect of entertainment under the Licensing Act 2003 meaning the following will no longer be licensable –

3.2 Live Music

- Live unamplified music between 08:00-23:00 on any premises;
- Live amplified music between 08:00-23:00 provided the audience does not exceed 500;
- However live music can become licensable in on-licensable premises if the licensing authority removes the effect of the deregulation following a licence review.

3.3 Recorded Music

- Recorded music between 08:00 and 23:00 in on-licensed premises provided the audience does not exceed 500;
- However recorded music can become licensable if the licensing authority removes the effect of the deregulation following a licence review;
- Unlike live music, the deregulation of recorded music does not apply to workplaces.

3.4 Local Authority premises

- Live music or recorded music between 08.00 and 23.00 at the non-residential premises of a local authority provided that –
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance on the relevant premises from the local authority concerned
- Any entertainment provided by or on behalf of a local authority on their own premises between 08:00 and 23:00

3.5 Hospitals

- Live music or recorded music between 08.00 and 23.00 on hospital premises provided that
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance on the hospital premises from the healthcare provider concerned
- Any entertainment provided by or on behalf of a health care provider on their own hospital premises between 08:00 and 23:00

3.6 Schools

- Live music or recorded music between 08.00 and 23.00 on school premises provided:
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance on the premises from the school proprietor concerned
- Any entertainment provided by or on behalf of a school proprietor on their own school premises between 08:00 and 23:00

3.7 Community Premises

- Live music or recorded music between 08.00 and 23.00 in a church hall, village hall, community hall or other similar community premises that is not licensed to sell alcohol provided that:
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance from a person who is responsible for the premises.

3.8 Travelling Circuses

- Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided:
 - (a) it takes place within a moveable structure that accommodates the audience, and
 - (b) that the travelling circus has not been located on the same site for more than 28 consecutive days

3.9 Olympic wrestling disciplines

- A contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling deregulated between 08:00 and 23:00, provided that the audience does not exceed 1000

3.10 Incidental Film

- An exhibition of moving pictures if it is incidental to some other entertainment activity

3.11 Exhibition of films in community premises (dependant on Royal Assent of Deregulation Bill)

- No licence required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23:00 provided that the audience does not exceed 500 and the organiser:
 - (a) gets consent to the screening from a person who is responsible for the premises; and
 - (b) ensures that each such screening abides by age classification ratings

4.0 **Gambling Commission granted permission to appeal Greene King operating licence decision**

- 4.1 In March 2014, the Gambling Commission refused applications for bingo operating licences made by two companies within the Greene King group. Greene King is a national pub operator with over a thousand public houses and is seeking to develop the provision of bingo in their premises.

- 4.2 An operating licence issued by the Gambling Commission is required for an operator to apply for individual premises licences to a local authority. Alcohol licensed premises are permitted to provide bingo without a bingo premises licence issued under the Gambling Act 2005, subject to a limitation that the aggregate stakes or prizes must not exceed £2,000 within any seven day period.
- 4.3 However, by having a bingo premises licence, in addition to the limitations on stakes and prizes being removed, the premises would be able to exercise the gaming machine entitlements that a bingo premises enables i.e. no limit on the number of category of C or D machines, and 20% of the total number of machines on the premises can be B3 or B4 machines i.e. if there were 15 gaming machines at the premises, up to 3 B3 machines could be provided with 12 C or D machines. B3 machines have a maximum stake of £2 and maximum prize of £500.
- 4.4 Alcohol licensed premises are only entitled to provide category C (maximum stake of £1 and maximum prize of £100) or category D machines (maximum stake of 20p and maximum prize of £20). Also, unlike a betting premises licence, there is no prohibition on the consumption of alcohol at bingo-licensed premises.
- 4.5 The Gambling Commission refused the applications as Commission officials were concerned about the “new and potentially contentious premises environment” and had the potential to jeopardise the licensing objectives.
- 4.6 However, in October 2014, the First-Tier Tribunal allowed the appeal by Greene King against those decisions. The appeal was allowed as the Tribunal were satisfied that Greene King was suitable and competent as an operator and that the Gambling Commission’s decision to refuse the application over matters about premises was the domain for local licensing authorities, rather than the Commission.
- 4.7 The Gambling Commission has been given permission to appeal the decision of the Tribunal, stating “We are clear, and this view is strongly supported by the Government, that commercial betting, gaming and bingo and any associated high stakes and prize machines, should be provided only in separate premises licensed for that specific purpose - premises that adults make a deliberate choice to visit in order to gamble. A judgment from the Upper Tribunal should hopefully clarify what we can and can't do by way of operating licences. Meanwhile, we are working closely with the Department for Culture, Media and Sport to see how we can both use our various powers to keep commercial gambling in dedicated licensed premises and stop it spreading to pubs”.
- 4.8 A further update will be provided to the Committee of any developments.
- 5.0 Gambling Commission consultation launch event for revised Guidance to Local Authorities**

- 5.1 The Gambling Commission is hosting 3 launch events for its upcoming revised Guidance to Local Authorities (GLA); one of which will be held at Manchester Town Hall on 24 February.
- 5.2 The Launch will be attended by the Chair of the Gambling Commission, Philip Graf, and will include a summary of the recent changes to the Commission's Licence Conditions and Codes of Practice (LCCP), the key themes in the GLA consultation and examples of how to develop the Statement of Licensing Policy.
- 5.3 One of the key revisions of the LCCP will be the new requirement for gambling operators to conduct local area-based risk assessments for new licensed premises, and it is anticipated that this will constitute an integral part of our revision of the Statement of Licensing Policy for gambling.
- 5.4 Councillor Longsdon will be opening the launch event alongside the Chair of the Gambling Commission, and officers of the Licensing Unit will also be in attendance. Feedback will be provided to the Committee on the provisions of the revised Guidance.

6.0 Contributing to the Community Strategy

6.1 Performance of 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

7.0 Key Policies and Considerations

8.0 Conclusion

- 8.1 The report provides information to the Committee on current issues relevant to premises licensing. It is envisaged that the availability of this information will assist decision making and local policy formation in respect of licensing issues.
- 8.2 The Committee is asked to note the report.

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application to renew a personal licence

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

1. Your personal details	
TITLE Please tick Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	
Forenames	
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE Please tick Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	
Forenames	
ADDRESS WHERE ORDINARILY RESIDENT	
Post town	Post code
TELEPHONE NUMBER(S):	
FAX NUMBER	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail, please provide your email address in order for us to acknowledge receipt of your application). <input type="checkbox"/> Please tick this box and provide your postal address if you would prefer us to contact you by post	
Address for correspondence associated with this application (if different from address above):	

2. Your current personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below.			
Details of current personal licence:			
Licensing Authority			
Licence number			
Date of issue			
Date of expiry			
Any further details (including any relevant or foreign convictions)			
If you cannot provide your personal licence, provide a statement explaining why:			
3. Other personal licences			
Please tick			
I confirm that I do not hold any other personal licences other than the one submitted for renewal.	Yes		
	<input type="checkbox"/>		
4. Declaration			
The information contained in this form is correct to the best of my knowledge and belief.			
It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.			
SIGNATURE		DATE	

GUIDANCE NOTES

Information on the Licensing Act 2003 is available on the gov.uk website or from your local licensing authority.

Please submit the completed form to the licensing authority which granted the licence. The application for the renewal of your licence does not need to be accompanied by a fee or a criminal conviction certificate, criminal record certificate or the results of a subject access search of the police national computer. The licensing authority will acknowledge receipt of your form by e-mail unless you request acknowledgement by post.

Please note that sections 123 and 132 of the Licensing Act 2003 require personal licence holders to notify the relevant licensing authority of a conviction in respect of a relevant or foreign offence (defined in section 113 of the Licensing Act 2003). Please provide this information in section 2 in the box, "Any further details (including any relevant or foreign convictions)".