

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 9 February 2015

Subject: Licensing (Premises) applications between 1 October and 31 December 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: 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 As Members are aware 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, 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 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 October and December 2014, the Licensing Authority determined a total of 37 new premises licence applications. 33 of these resulted in licences being granted. Four applications were refused.
- 3.3 Of the 33 granted licences, six were granted by way of determination as agreement was reached between all parties, 20 licences were granted

following decisions made by the Licensing Sub-Committee and seven were granted by officers under delegated authority as no representations were received.

- 3.4 One appeal was made in respect of the decision to refuse a licence for One Stop Store, 81- 83 Middleton Road, Manchester, M8 4JY. Details are in section 6.7 below.

Table 1 – Premises Licences (New)

Total applications	37
Granted by Determination	6
Granted by LSC Decision	20
Granted by Officers	7
Refused by LSC Decision	4
Decisions Appealed	1

Premises Licence Variations

- 3.5 A total of 40 applications for the variation of licensable activities of premises licences were received during this quarter. 21 were 'full' variations under s34 of the Act and 19 were minor variations under s41a.
- 3.6 Of the full variations, three were granted by determination and six were granted by decision of the Licensing Sub-Committee. Ten applications were granted under delegated authority by officers and one application was refused by decision of the Licensing Sub-Committee. One application was withdrawn by the applicant on the day of the hearing.
- 3.7 No appeals were made in respect of any of the above decisions.
- 3.8 In respect of the minor variation applications received, 15 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. Four applications were, however, refused as it was considered that the variations proposed could adversely impact upon the licensing objectives.

Table 2 – Premises Licences (Variations)

Total applications	40
Granted by Determination	3
Granted by LSC Decision	6
Granted by Officers	10
Refused by LSC Decision	1
Withdrawn by Applicant	1
Decisions Appealed	0

Minor Variations granted	15
Minor Variations refused	4

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 A total of 445 TENs were submitted to the Licensing team for events scheduled to take place between October and December 2014. Of these, 314 were standard TENs and 131 were late TENs.
- 3.11 Four of the standard TENs and one of the late TENs were withdrawn by the premises users before the event took place.
- 3.12 One standard TEN and two Late TENs were rejected by officers as they were not properly made.
- 3.13 Objections were submitted by Greater Manchester Police against four standard TENs, by MCC Environmental Health against three standard TENs and objections were submitted by both GMP and MCC Environmental Health against six standard TENs. Of this total of 13 objections, nine TENs were withdrawn by the premises user prior to the hearing and one was modernised with the agreement of all parties prior to the hearing. Following a hearing before the Licensing Sub-Committee, the decision of the sub-committee was that counter notices not be served regarding two TENs thereby allowing the events to take place as per the notice submitted. The objection against the remaining TEN was withdrawn by the objector prior to the hearing.
- 3.14 Of the remaining 128 Late TENs, 23 objections were received from Greater Manchester Police, one from MCC Environmental Health and one from both the police and Environmental Health. There is no provision for a hearing when an objection is made against a late TEN. Counter notices were therefore served by officers preventing the events from taking place.
- 3.15 A total of 304 standard TENs and 103 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	314	131	445
Rejected not properly made	1	2	3
Acknowledged by Officers	304	103	407
Notice withdrawn by applicant	4	1	5
TEN modified	1	-	1

Counter Notice served	-	25	25
Conditions added by sub-committee	-	-	-
Counter Notice not served, no conditions	2	-	2
Notice withdrawn by applicant prior to hearing	9	-	9
Objection withdrawn prior to hearing	1	-	1-

Premises Licence Transfers

- 3.16 Between October and December 2014, 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

- 3.17 Between October and December 2014, a total of 124 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.

Interim Authority Notices

- 3.18 Where a premises licence lapses following the death, incapacity or insolvency of the holder, a person who has a prescribed interest in the premises concerned, or is connected to the former licence holder, may, during the period of 28 days beginning with the day after the day the licence lapses, give to the licensing authority an "interim authority notice" in respect of the licence. The premises licence lapses again at the end of the 3-month period beginning with the day on which the interim authority notice is received by the licensing authority, unless before that time a transfer application is made to the licensing authority.
- 3.19 Between October and December 2014, no Interim Authority Notices under the Licensing Act 2003 were received.

Premises Licence Reviews

- 3.20 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.

- 3.21 There was one Summary Review of a premises licence during this quarter in respect of Liv, 23 Peter Street, Manchester, M2 5QJ. The review was submitted following a serious assault at the premises:

1) Liv, 23 Peter Street, Manchester, M2 5QJ	
Applicant for Review:	Greater Manchester Police
Review Type:	Summary Review of Premises Licence
Interim Steps Taken:	Suspension of licence
Summary of action taken:	Additional conditions added to the licence

- 3.22 No appeal has been lodged by the licence holder against the decision of the Licensing Sub-Committee to add conditions to the licence.

- 3.23 There were two reviews of premises licences under section 51 of the Licensing Act 2003 during the quarter:

1) La Rocca's, 380 Kingsway, Manchester, M19 1PL	
Applicant for Review:	MCC Trading Standards Service
Review Type:	Review of Premises Licence under s51
Grounds for Review:	Failure to uphold the licensing objectives of the Protection of Children from Harm and the Prevention of Crime and Disorder, through selling alcohol to underage persons.
Action taken:	Licence revoked.
2) Cake-Away, 244 Fog Lane, Manchester, M20 6EL	
Applicant for Review:	MCC Environmental Health
Review Type:	Review of Premises Licence under s51
Grounds for Review:	Failure to uphold the licensing objective of the Prevention of Public Nuisance, through breach of licensed hours and selling hot food and drink to customers through to the early hours of the morning.
Action taken:	To exclude the sale of alcohol from the licence, to suspend the licence for one month and to add a condition to the premises licence.

- 3.24 An appeal against the decision to revoke the licence for La Rocca has been lodged and the case has been listed for a full day hearing at Manchester and Salford Magistrates Court on 20 March 2014.

Surrendered / Lapsed Licences

- 3.25 13 premises licences were surrendered by the respective licence holders between October and December 2014.
- 3.26 No Club Premises Certificates were surrendered by the respective holders during this same period.
- 3.27 Six premises licences lapsed between October and December 2014, five because the company that held the licence was dissolved or went into liquidation and the other because the person who held the licence was declared bankrupt.

Personal Licences

- 3.28 Between October and December 2014, 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.
- 3.29 No personal licences were surrendered between October and December 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 There were no applications for new premises licences under the Gambling Act 2005 during this quarter.

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 granted under the Gambling Act 2005 were surrendered, 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 There were no applications for an Alcohol Licensed Premises Gaming Machine Permit 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 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 (1 or 2 machines)	4
Club Machine Permits	0
Club Gaming Permits	0
Family Entertainment Centre Gaming Machine Permits	0
Small Society Lottery Registration	5
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	5
Hairdresser Registration	0
House to House Collection Licence	8
Hypnotism Licence	0
Juvenile Employment Licence - Modelling	32
Juvenile Employment Licence – Performance / Sports	61
Juvenile Employment Licence – Work Permit	10
Performing Animals Registration	0
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	13
Pet Shop Licence (Renewal)	0
Poisons List Entry	2
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	4
Registration as a Skip Provider	1
Riding Establishment Licence (Renewal)	2
Scrap Metal Licence	2
Second Hand Goods Registration	13
Sex Establishment Licence (Renewal)	1
Skip Permit	122

Street Collection Permit	36
Street Trading Consent	0
Street Trading Licence	0
Tables and Chairs on the Highway (New)	9
Tables and Chairs on the Highway (Renewal)	7

6.0 Appeals

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

6.2 Two different premises licences were held in respect of the same premises - Vina (licence number 156326) and Vina Noodle Bar (licence number 051786). Applications for reviews of both licences were submitted by Greater Manchester Police following an incident of crime and disorder at the premises. Following a hearing, the decision of the Licensing Sub-Committee was to attach additional conditions to the licences. Appeals were lodged on 30/06/2014 by the licence holders - S&H Lam Ltd (Vina Bar) and Mr. Hao Gia Lam (Vina Noodle Bar) - against the decisions on the grounds that the additional conditions were unreasonable in all the circumstances.

6.3 Both appeals were dealt with together as they were based on the same facts.

6.4 Agreement was reached with the appellants and the appeal was settled on the terms that licence 051786 for Vina Noodle Bar would be surrendered and licence 156326 for Vina was amended to remove conditions requiring a Clubscan system and a last entry time of 2:00am.

6.5 A settlement of £2000 was negotiated as payment by the Council towards the appellant's costs.

6.6 One Stop Store, 81- 83 Middleton Road, Manchester, M8 4JY

6.7 An appeal was lodged on 10/09/2014 by One Stop Stores Ltd against the decision of Manchester City Council Licensing Authority to refuse to grant an application for a premises licence.

6.8 An agreement was reached on 02/10/2014 between the appellant and the Licensing Authority that the licence should be granted subject to additional conditions.

6.9 A settlement of £410 was negotiated as payment by the Council towards the appellant's costs.

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 October and 31 December 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.