

**Manchester City Council  
Report for Information**

**Report To:** Licensing Committee – 15 June 2015

**Subject:** Licensing (Premises) applications between 1 January and 31 March 2015

**Report of:** Head of Planning, Building Control & 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 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 January and March 2015, the Licensing Authority determined a total of 31 new premises licence applications. 28 of these resulted in licences being granted. Of the 28 granted licences, 11 were granted by way of determination as agreement was reached between all parties, seven licences were granted following decisions made by the Licensing Sub-Committee and ten were

granted by officers under delegated authority as no representations were received.

- 3.3 Three applications were refused though one of these, Turkish Kitchen, was subsequently granted on appeal following agreement of revised terms (see Section 6 of the report for details).

**Table 1 – Premises Licences (New)**

Total applications	31
Granted by Determination	11
Granted by LSC Decision	7
Granted by Officers	10
Refused by LSC Decision	3
Decisions Appealed	1

Premises Licence Variations

- 3.4 37 applications for the variation of licensable activities of premises licences were received during this quarter. 19 were 'full' variations under s34 of the Act and 18 were minor variations under s41a.
- 3.5 Of the full variations, 2 were granted by determination and one was granted by decision of the Licensing Sub-Committee. 15 applications were granted under delegated authority by officers and one application was refused by decision of the Licensing Sub-Committee.
- 3.6 No appeals were made in respect of any of the above decisions.
- 3.7 In respect of the minor variation applications received, all 18 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. No applications were refused.

**Table 2 – Premises Licences (Variations)**

Total applications	37
Granted by Determination	2
Granted by LSC Decision	1
Granted by Officers	15
Refused by LSC Decision	1
Decisions Appealed	0
Minor Variations granted	18
Minor Variations refused	0

### Temporary Event Notices

- 3.8 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.
- 3.9 266 TENs were submitted to the Licensing team for events scheduled to take place between January and March 2015. Of these, 195 were standard TENs and 71 were late TENs.
- 3.10 12 of the standard TENs and 4 of the late TENs were withdrawn by the premises users before the events took place.
- 3.11 8 standard TENs and 4 Late TENs were rejected by officers as they were not properly made.
- 3.12 No objections were submitted by either Greater Manchester Police or by MCC Environmental Health against any of the standard TENs.
- 3.13 Of the remaining 63 Late TENs, 13 objections were received from Greater Manchester Police. 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.
- 3.14 175 standard TENs and 50 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	195	71	266
Rejected not properly made	8	4	12
Acknowledged by Officers	175	50	225
Notice withdrawn by applicant	12	4	16
TEN modified	-	-	-
Counter Notice served	-	13	13
Conditions added by sub-committee	-	-	-
Counter Notice not served, no conditions	-	-	-
Notice withdrawn by applicant prior to hearing	-	-	-
Objection withdrawn prior to hearing	-	-	-

### Premises Licence Transfers

- 3.15 Between January and March 2015, 50 applications to transfer a premises licence were received.
- 3.16 Only Greater Manchester Police can object to the transfer of a premises licence under the Licensing Act 2003
- 3.17 49 were granted by officers under delegated authority as no objections were received.
- 3.18 Objection was received against the licence transfer for Krakow Delicatessen, 80 Bury Old Road, Manchester, M8 5BW, and the matter was considered at a hearing by the Licensing Sub-committee. The Sub-Committee was not satisfied that the licensing objective of the prevention of crime and disorder would be upheld if it were granted and so the decision was to refuse the application.

### Variation of the Designated Premises Supervisor

- 3.19 Between January and March 2015, 125 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received.
- 3.20 Only Greater Manchester Police can object to the variation of the Designated Premises Supervisor named on a premises licence under the Licensing Act 2003
- 3.21 124 were granted by officers under delegated authority as no objections were received.
- 3.22 Similar to the transfer application, objection was received against the variation for the proposed DPS for Krakow Delicatessen, 80 Bury Old Road, Manchester, M8 5BW, and the matter was considered a hearing by the Licensing Sub-committee. The Sub-Committee was not satisfied that the licensing objective of the prevention of crime and disorder would be upheld if it were granted and so the decision was to refuse the application.

### Interim Authority Notices

- 3.23 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.

- 3.24 Between January and March 2015, no Interim Authority Notices under the Licensing Act 2003 were received.

Premises Licence Reviews

- 3.25 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.
- 3.26 There was no Summary Review of a premises licence during this quarter:
- 3.27 There were two reviews of premises licences under section 51 of the Licensing Act 2003 during the quarter:

<b>1. Booze Manchester, Unit 96, Cariocca Enterprises, 2 Hellidon Close, Manchester, M12 4AH</b>	
<b>Applicant for Review:</b>	Greater Manchester Police
<b>Review Type:</b>	Review of Premises Licence under s51
<b>Grounds for Review:</b>	The grounds for reviewing the licence are that the Premises Licence Holder has been convicted of a relevant offence under Schedule 4 of the Licensing Act 2003.
<b>Action taken:</b>	Licence revoked.
<b>2. Booze Manchester, 99-105 Port Street, Manchester, M1 2EG</b>	
<b>Applicant for Review:</b>	Greater Manchester Police
<b>Review Type:</b>	Review of Premises Licence under s51
<b>Grounds for Review:</b>	The grounds for reviewing the licence are that the Premises Licence Holder has been convicted of a relevant offence under Schedule 4 of the Licensing Act 2003.
<b>Action taken:</b>	Licence revoked.

Surrendered / Lapsed Licences

- 3.28 During the quarter, 9 premises licences were surrendered by the respective licence holders, 1 Club Premises Certificate was surrendered and no premises licences lapsed.

Personal Licences

- 3.29 81 applications for personal licences were received during the quarter.

- 3.30 Only Greater Manchester Police can object to the application for a personal licence under the Licensing Act 2003
- 3.31 All were granted under delegated authority by officers as no objections were received.
- 3.32 No personal licences were surrendered.

#### **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 1 application for a new premises licence under the Gambling Act 2005 was granted during this quarter. The licence related to a new Adult Gaming Centre located airside at Terminal 1 of Manchester Airport. No objections were received and the application was granted under delegated powers.

##### Premises Licence Variations

- 4.5 1 application to vary a premises licence under the Gambling Act 2005 was granted during this quarter. The variation related to layout changes in a casino. No objections were received and the application was granted under delegated powers.



### 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 There was one application for a Club Gaming and Machine Permit 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, 12 notifications under section 282 were received and acknowledged by the Premises Licensing team.
- 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 5 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)	12
Club Machine Permits	0
Club Gaming Permits	1
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)	5
Chaperone Registration	10
Hairdresser Registration	2

House to House Collection Licence	5
Hypnotism Licence	0
Juvenile Employment Licence	36
Juvenile Employment Work Permit	9
Performing Animals Registration	0
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	11
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	1
Pet Shop Licence (Renewal)	11
Registration as a Skip Provider	7
Skip Permit	115
Riding Establishment Licence (Renewal)	0
Scrap Metal Licence	0
Second Hand Goods Registration	12
Sex Establishment Licence (Renewal)	3
Street Collection Permit	59
Street Trading Consent	2
Street Trading Licence	0
Tables and Chairs on the Highway (New)	11
Tables and Chairs on the Highway (Renewal)	9

## 6.0 Appeals

### 6.1 Turkish Kitchen, Unit 1, 153 Great Ducie Street, Manchester, M3 1FB

6.2 The applicant was not present at the hearing held before the Licensing Sub-committee on 11 December 2014. The Sub-Committee were satisfied that the applicant had received the correct notification of the panel, so decided to proceed in his absence. The Committee heard representation from Greater Manchester Police about the very poor quality of the application. The

Committee accepted the evidence of GMP and were concerned that the licensing objectives would not be upheld. The application did not give any confidence to the Committee that the applicant understood the licensing process and they had the necessary skills to run a licensed premise. The application was therefore refused.

6.3 An appeal was lodged by the applicant on 31 December 2014 against the decision of the sub-committee.

6.4 Following discussions between all parties an agreement was reached to grant the licence with amended hours as follows –

- Opening hours – Monday to Sunday 1000 to 2300
- Sale by retail of alcohol for consumption on the premises only – Monday to Sunday 1200 to 2230

6.5 17 additional conditions were also imposed on the licence.

6.6 A copy of the consent order is attached at Appendix 1.

6.7 Costs in the sum of £400 were agreed to be paid by Turkish Kitchen to the Council in settlement of the appeal.

## **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 January and 31 March 2015. 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.