

**Manchester City Council  
Report for Information**

**Report to:** Licensing Committee – 7 September 2015

**Subject:** Licensing (Premises) applications between 1 April 2015 and 30 June 2015

**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
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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 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.
- 2.3 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, upon withdrawal of all representations the matter is granted under delegated authority by officers. Where any representations remain outstanding, the application is decided by the Sub-Committee following a public hearing.
- 2.4 This report provides Members of the Licensing Committee with information on all applications considered not only by the 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 2015, the Licensing Authority determined a total of 45 new premises licence applications. All 45 of these applications resulted in licences being granted.
- 3.3 Of the 45 granted licences, sixteen 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, eight were granted under delegated authority by an officers following the agreement and withdrawal of representations and fourteen were granted by officers under delegated authority as no representations were received.

**Table 1 – Premises Licences (New)**

Total applications	45
Granted by Determination	16
Granted by LSC Decision	7
Granted by Officers following no representations	14
Granted by Officers following the agreement and withdrawal of representations	8

Premises Licence Variations

- 3.4 A total of 47 applications for the variation of licensable activities of premises licences were received during this quarter. 27 were ‘full’ variations under s34 of the Act and 20 were minor variations under s41a.
- 3.5 Of the 27 ‘full’ variations, one was granted by way of determination as agreement was reached between all parties, ten were granted following decisions made by the Licensing Sub-Committee, two were granted under delegated authority by an officers following the agreement and withdrawal of representations and fourteen were granted by officers under delegated authority as no representations were received.
- 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 20 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	47
Granted by Determination	1
Granted by LSC Decision	10
Granted by Officers following no representations	14
Granted by Officers following the agreement and withdrawal of representations	2
Decisions Appealed	0
Minor Variations granted	20
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 A total of 257 TENs were submitted to the Licensing team for events scheduled to take place between April and June 2015. Of these, 177 were standard TENs and 80 were late TENs.
- 3.10 Two standard TENs and two late TENs were rejected by officers as they were not properly made.
- 3.11 One objection was submitted by Environmental Health in respect of a standard TEN. This matter went before the Licensing Committee who, following a hearing, issued a Counter Notice.
- 3.12 Of the remaining 78 late TENs, 3 objections were received from Greater Manchester Police. When an objection is made against a late TEN, a counter notice must be issued and there is no provision for a hearing. Counter notices were therefore served by officers preventing the events from taking place.
- 3.13 A total of 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	177	80	257
Rejected not properly made	2	2	4
Acknowledged by Officers	174	75	249
Notice withdrawn by applicant	-	-	-
TEN modified	-	-	-
Counter Notice served	1	3	4
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

- 3.14 Between April and June 2015, a total of 43 applications to transfer a premises licence were received. All 43 applications 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 April and June 2015, a total of 122 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received. 122 were granted by officers under delegated authority as no objections were received from Greater Manchester Police.

### Interim Authority Notices

- 3.16 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 an "interim authority notice" to the licensing authority in respect of the licence to temporarily re-instate the licence for a maximum period of up to 3 months starting from the day the notice was given. The premises licence lapses again at the end of the 3-month period, unless a transfer application is made to the licensing authority during that time.
- 3.17 Between April and June 2015, no Interim Authority Notices under the Licensing Act 2003 were received.

### 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 was no Summary Review of a premises licence during this quarter:
- 3.20 There was one review of a premises licence under section 51 of the Licensing Act 2003 during the quarter:

<b>Moston News, 321 Moston Lane, Manchester, M40 9WB</b>	
<b>Applicant for Review:</b>	Trading Standards
<b>Review Type:</b>	Review of Premises Licence under s51
<b>Grounds for Review:</b>	The premises were undermining the licensing objectives demonstrated by the seizure of illicit tobacco and incorrectly labelled tobacco products
<b>Action taken:</b>	Licence revoked.

#### Surrendered / Lapsed Licences

- 3.21 Ten premises licences were surrendered by the respective licence holders between April and June 2015.
- 3.22 One Club Premises Certificates was surrendered by the holder during this same period.
- 3.23 No premises licences lapsed between April and June 2015.

#### Personal Licences

- 3.24 Between April and June 2015, a total of 98 applications for personal licences were received. All were granted under delegated authority by officers as no objections were received from Greater Manchester Police.
- 3.25 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 No applications for a new premises licence under the Gambling Act 2005 were received during this quarter.

#### Premises Licence Variations

- 4.5 No applications to vary a premises licence under the Gambling Act 2005 were received 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 revoked during this quarter.

4.9

#### Permits / Notifications / Small Society Lotteries

- 4.10 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.
- 4.11 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.
- 4.12 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



- 4.13 It is only possible to grant or reject an application for a permit as no conditions may be attached to a permit.
- 4.14 There were no applications for an Alcohol Licensed Premises Gaming Machine Permit during this quarter.
- 4.15 There were no applications for a Club Gaming and Machine Permit during this quarter.
- 4.16 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.
- 4.17 During the quarter, four notifications under section 282 were received and acknowledged by the Premises Licensing team.
- 4.18 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.
- 4.19 One registration 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	1
Transfer of Licensed Premises Gaming Machine Permit	0

## 5.0 Other miscellaneous licences

5.1 The Premises team is responsible for a range of other licences and permits that are listed below:

**Table 5 – Other Permits and Licences granted**

Permit / Licence Type	Total (granted)
Animal Boarding Establishment Licence (Renewal)	0
Chaperone Registration	6
Hairdresser Registration	0
House to House Collection Licence	5
Hypnotism Licence	1
Juvenile Employment Licence	133
Juvenile Employment Work Permit	3
Performing Animals Registration	0
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	12
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	4
Pet Shop Licence (Renewal)	1
Registration as a Skip Provider	6
Skip Permit	81
Riding Establishment Licence (Renewal)	0
Scrap Metal Licence	1
Second Hand Goods Registration	12
Sex Establishment Licence (Renewal)	3
Street Collection Permit	27
Street Trading Consent	40
Street Trading Licence	6
Tables and Chairs on the Highway (New)	24
Tables and Chairs on the Highway (Renewal)	44

## 6.0 Contributing to the Community Strategy

### 6.1 Performance of the economy of the region and sub region

6.1.1 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.

### 6.2 Reaching full potential in education and employment

### 6.3 Individual and collective self esteem – mutual respect

## **6.4 Neighbourhoods of Choice**

- 6.4.1 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.

## **7.0 Key Policies and Considerations**

### **7.1 Legal Considerations**

- 7.1.1 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.

## **8.0 Conclusion**

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