

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 24 October 2016

Subject: Premises Licensing Quarterly Report (1 April 2016 to 30 June 2016)

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 and the work of the Licensing Multiagency Partnership.

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.
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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

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.
- 1.2 Section 6 of the report is new and provides information regarding the Licensing Multiagency Partnership, which is made up of representatives of the responsible authorities and relevant partner agencies.

2.0 Background

- 2.1 As Members are aware the Premises Licensing Team is responsible for the administration of licence applications submitted in respect of the Licensing Act 2003 and the Gambling Act 2005.
- 2.2 Under these Acts, 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, 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 Beyond the Licensing Act 2003 and Gambling Act 2005, the Premises Licensing Team is responsible for a range of other licensing regimes (see Section 5) and, in total, dealt with 873 applications during this quarter.
- 2.5 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.

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 During the quarter, the Licensing Authority determined a total of 29 new premises licence applications, 27 of which resulted in licences being granted.
- 3.3 Of the 27 granted licences, four were granted by way of determination as agreement was reached between all parties, eight licences were granted following decisions made by the Licensing Sub-Committee, and 15 were granted by officers under delegated authority as no representations were received.
- 3.4 Two applications were refused following hearings in respect of the premises: 356 Great Western Street, Manchester, M14 4BY in the Moss Side ward; and Grub 'n' Go, Ground Floor, 440-442 Wilmslow Road, Manchester, M20 3BW in the Old Moat ward and which is also within the 'Withington Stress Area' policy area .
- 3.5 No appeals were made in respect of any of the above decisions.

Table 1 – Premises Licences (New)

Total applications	29
Granted by Determination	4
Granted by LSC Decision	8
Granted by Officers following no representations	15
Refused	2

Premises Licence Variations

- 3.6 A total of 37 applications for the variation of licensable activities of premises licences were received during this quarter. 16 were 'full' variations under s34 of the Act and 21 were minor variations under s41a.
- 3.7 All 17 of the 'full' variations were granted; two by way of determination as agreement was reached between all parties; four following decisions made by the Licensing Sub-Committee and ten were granted by officers under delegated authority as no representations were received. No variation applications were refused.
- 3.8 No appeals were made in respect of any of the above decisions.
- 3.9 In respect of the 21 minor variation applications received, all were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. No minor variation applications were refused.

Table 2 – Premises Licences (Variations)

Total applications	37
Granted by Determination	2
Granted by LSC Decision	4
Granted by Officers following no representations	10
'Full' Variations refused	0
Decisions Appealed	0
Minor Variations granted	21
Minor Variations refused	0

Temporary Event Notices

- 3.10 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.
- 3.11 A total of 291 TENs were submitted to the Licensing team, of which 196 were standard TENs and 95 were late TENs.
- 3.12 Eleven of the standard TENs submitted were rejected as not properly made, and nine of the Late TENs were likewise rejected as not properly made.
- 3.13 In respect of the remaining 185 standard TENs, one objection was received from Greater Manchester Police, one from Environmental Health and two objections from both GMP and EH. The decision of the Licensing Sub-Committee with regard to these four TENs was to serve a counter notice against one and not to serve a counter notice against two of the TENs. The fourth was withdrawn by the premises user prior to the hearing taking place.
- 3.14 Of the 86 correctly made Late TENs, four were subsequently withdrawn by the premises users before the event took place.
- 3.15 Nine objections were received from either Greater Manchester Police or Environmental Health against Late TENs. 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.
- 3.16 A total of 191 standard TENs and 42 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	196	95	291
Rejected not properly made	11	9	20
Acknowledged by Officers	177	73	233
Notice withdrawn by applicant	6	4	10
TEN modified	-	-	-
Counter Notice served	1	9	10
Conditions added by sub-committee	-	-	-
Counter Notice not served, no conditions	2	-	2
Notice withdrawn by applicant prior to hearing	1	-	1
Objection withdrawn prior to hearing	1	-	1

Premises Licence Transfers

- 3.17 A total of 28 applications to transfer a premises licence were received. All 28 applications were granted by officers under delegated authority as no objections were received from Greater Manchester Police.

Variation of the Designated Premises Supervisor

- 3.18 A total of 131 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

- 3.19 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.
- 3.20 No Interim Authority Notices under the Licensing Act 2003 were received.

Premises Licence Reviews

- 3.21 There were no reviews of any premises licences under the Licensing Act 2003 during this quarter.

Surrendered / Lapsed Licences

- 3.22 Six premises licences were surrendered by the respective licence holders.
- 3.23 Five premises licences lapsed due to insolvency of the licence holders.

Personal Licences

- 3.24 A total of 102 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 Two applications to vary a premises licence under the Gambling Act 2005 were received during this quarter both in relation to betting shops. Both applications were to remove a condition in relation to security personnel transporting cash, one attached to the licence at City Tower, Piccadilly Plaza and the other at 958-960 Stockport Road. Both were granted under delegated

authority by officers as no objections were received. Prior to the application being submitted, officers from the Licensing Unit had met with representatives of the betting shop company to discuss the merits of the application.

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.

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 Permits during this quarter.
- 4.14 There were no applications 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, 5 notifications under section 282 was 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 Seven 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)	5
Club Machine Permits	0
Club Gaming Permits	0
Family Entertainment Centre Gaming Machine Permits	0
Small Society Lottery Registration	7
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)	2

Chaperone Registration	6
Hairdresser Registration	0
House to House Collection Licence	6
Hypnotism Licence	0
Juvenile Employment Licence	112
Juvenile Employment Work Permit	11
Leaflet Distribution Permit	66
Performing Animals Registration	0
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	30
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	11
Pet Shop Licence (Renewal)	0
Riding Establishment Licence (Renewal)	0
Scrap Metal Licence	1
Second Hand Goods Registration	10
Sex Establishment Licence (Renewal)	1
Street Collection Permit	33
Street Trading Consent	36
Street Trading Licence	5
Tables and Chairs on the Highway (New)	14
Tables and Chairs on the Highway (Renewal)	32

6.0 Work of the Licensing Multiagency Partnership

- 6.1 The Multiagency Partnership is made up of the responsible authorities under the Licensing Act 2003 as well as representatives of neighbourhood teams across the city. Other external agencies, such as Border Control, are invited to relevant meetings. A meeting is held weekly and chaired by the Principal Licensing Officer, to scrutinise applications currently in consultation and to review relevant licensing matters.
- 6.2 By the agencies considering the applications jointly, this aims to ensure that an agreed, consistent approach is taken towards applications and that agencies are aware of all relevant intelligence held by partners. In turn, this leads to a more comprehensive assessment of the application, a reduced risk of duplication of effort and avoids conflicting approaches being taken by different agencies.

- 6.3 As well as applications, agencies provide updates on ongoing licensing-related matters they are dealing with, or looking to undertake either themselves or in partnership with other agencies, for example, test purchase exercises in respect of underage sales.
- 6.4 During the quarter, some of the work undertaken through the Multiagency Partnership included:
- co-ordinated visits between the Fire Service and other agencies ahead of the World Cup, to licensed premises identified as screening matches in order to ensure appropriate safety measures were in place
 - consideration of various promotional activities at premises during the World Cup
 - co-ordinating licensing arrangements for the summer concerts at the Etihad Stadium
 - Gambleaware Week
 - various compliance issues and joint visits at individual premises
- 6.5 GMP also welcomed a new officer, PC John Hatton, to their Licensing Team who will take a lead on dealing with off licence premises and door supervisor matters.

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 April and 30 June 2016. 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.