

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 27 February 2017

Subject: Licensing (Premises) applications between 1 October 2016 and 31 December 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.

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 | |

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| 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.

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 27 new premises licence applications, 25 of which resulted in licences being granted.

- 3.3 Of the 25 granted licences, 9 were granted by way of determination as agreement was reached between all parties, 10 licences were granted following decisions made by the Licensing Sub-Committee, and 6 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: Gaffs, 222 Wilmslow Road, M14 6LF in the Fallowfield Ward and Drink Doctor, Unit 5c 419-421 Barlow Moor Road, M21 8ER in Chorlton Park Ward.
- 3.5 No appeals were made in respect of any of the above decisions.

Table 1 – Premises Licences (New)

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| Total applications | 27 |
| Granted by Determination | 9 |
| Granted by LSC Decision | 10 |
| Granted by Officers following no representations | 6 |
| Refused | 2 |

Premises Licence Variations

- 3.6 A total of 48 applications for the variation of licensable activities of premises licences were received during this quarter. 29 were 'full' variations under s34 of the Act and 19 were minor variations under s41a.
- 3.7 28 of the 'full' variations were granted; 3 by way of determination as agreement was reached between all parties; 6 following decisions made by the Licensing Sub-Committee and 19 were granted by officers under delegated authority as no representations were received.
- 3.8 One variation application was refused following a hearing in respect of the premises: Gorton Mount Restaurant, 187 Mount Road, Manchester, M18 7QG in the Gorton South ward.
- 3.9 No appeals were made in respect of any of the above decisions.
- 3.10 In respect of the 19 minor variation applications received, 18 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives.
- 3.11 One minor variation was refused as it considered that the proposed variation could adversely impact upon the licensing objectives: 256, 256 Wilmslow Road, Manchester, M14 6LB.

Table 2 – Premises Licences (Variations)

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| Total applications | 48 |
| Granted by Determination | 3 |
| Granted by LSC Decision | 6 |
| Granted by Officers following no representations | 19 |
| 'Full' Variations refused | 1 |
| Decisions Appealed | 0 |
| Minor Variations granted | 18 |
| Minor Variations refused | 1 |

Temporary Event Notices

- 3.12 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.
- 3.13 A total of 366 TENs were submitted to the Licensing team, of which 255 were standard TENs and 111 were late TENs.
- 3.14 Eight of the standard TENs submitted were rejected as not properly made, and three of the Late TENs were likewise rejected as not properly made.
- 3.15 In respect of the remaining 247 standard TENs, 5 objections were received from Greater Manchester Police and one objection from both GMP and Environmental Health. The decision of the Licensing Sub-Committee with regard to four of those TENs was to serve a counter notice against them and to not serve a counter notice against one TEN.
- 3.16 Of the 107 correctly made Late TENs, two were subsequently withdrawn by the premises users before the event took place.
- 3.17 Eight objections were received from Greater Manchester Police 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.
- 3.18 A total of 225 standard TENs and 92 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 | 255 | 111 | 366 |
| Rejected not properly made | 8 | 3 | 11 |
| Acknowledged by Officers | 225 | 92 | 317 |

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|--|----|----|----|
| Notice withdrawn by applicant | 8 | 2 | 10 |
| TEN modified | 1 | - | 1 |
| Counter Notice served | 13 | 13 | 26 |
| Conditions added by sub-committee | - | - | - |
| Counter Notice not served, no conditions | 1 | - | 1 |
| Notice withdrawn by applicant prior to hearing | - | - | - |
| Objection withdrawn prior to hearing | - | - | - |

Premises Licence Transfers

- 3.19 A total of 39 applications to transfer a premises licence were received. 38 applications were granted by officers under delegated authority as no objections were received from Greater Manchester Police. One was granted at a hearing by the Licensing Sub-Committee following an objection from Greater Manchester Police

Variation of the Designated Premises Supervisor

- 3.20 A total of 126 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received. 125 were granted by officers under delegated authority as no objections were received from Greater Manchester Police. One was granted at a hearing by the Licensing Sub-Committee following an objection from Greater Manchester Police.

Interim Authority Notices

- 3.21 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.
- 3.22 No Interim Authority Notices under the Licensing Act 2003 were received.

Premises Licence Reviews

- 3.23 There was one summary review of a premises licence, in respect of the Press Club, St Johns House, 2-10 Queen Street, Manchester, M2 5JB following a large scale disturbance at on 1 October at the premises. The premises licence was suspended by the Licensing Sub-Committee in the interim pending the review hearing on 7 October. In advance of the review hearing, Greater Manchester Police met with the premises licence holder and discussed additional conditions that could be attached to the licence in order

to ensure effective promotion of the licensing objectives. At the review hearing on 28 October, the Licensing Sub-Committee were satisfied that those conditions would adequately promote the licensing objectives, and so the decision was made to lift the suspension and attach the additional agreed conditions.

Surrendered / Lapsed Licences

- 3.24 12 premises licences were surrendered by the respective licence holders.
- 3.25 5 premises licences lapsed due to insolvency of the licence holders.

Personal Licences

- 3.26 A total of 81 applications for personal licences were received. All were granted under delegated authority by officers as no objections were received from Greater Manchester Police.
- 3.27 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 Four applications for new premises licences under the Gambling Act 2005 were received during this quarter. All four applications were for betting (non-

track) premises. Three of the applications were granted by officers under delegated authority as no objections were received. One application, in relation to Bet 138, 41 Faulkner Street, M1 4EE, is scheduled for hearing in February 2017 following objection by the Licensing Authority and a local business.

Premises Licence Variations

- 4.5 No premises licence variations 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 Two Adult Gaming Centre premises licences granted under the Gambling Act 2005 were surrendered during this quarter. . No premises licence 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 2 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 Two 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) | 2 |
| Alcohol Licensed Premises Gaming Machine Permit (more than 2 machines) (variation to existing permit) | 3 |
| 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 | 2 |
| 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 | 6 |
| Chaperone Registration | 12 |
| Hairdresser Registration | 1 |
| House to House Collection Licence | 4 |
| Hypnotism Licence | 0 |
| Juvenile Employment Licence | 103 |
| Juvenile Employment Work Permit | 9 |
| Leaflet Distribution Permit | 63 |
| Performing Animals Registration | 0 |
| Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis) | 17 |
| Premises Registration (body piercing, tattooing, ear piercing, electrolysis) | 12 |
| Pet Shop Licence (renewal) | 6 |
| Riding Establishment Licence | 0 |
| Scrap Metal Licence (new) | 1 |
| Second Hand Goods Registration | 10 |
| Sex Establishment Licence | 0 |
| Street Collection Permit | 41 |
| Street Trading Consent | 14 |
| Street Trading Licence (new) | 2 |

| | |
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| Tables and Chairs on the Highway (new) | 7 |
| Tables and Chairs on the Highway (renewal) | 5 |

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 October and 31 December 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.