

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 17 July 2017

Subject: Licensing (Premises) applications between 1 January and 31 March 2017

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

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	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.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	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.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.

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: Danielle Doyle
Position: Licensing Unit Manager
Telephone: 0161 234 4962
E-mail: d.doyle@manchester.gov.uk

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: f.swift@manchester.gov.uk

Name: Matthew Callaghan
Position: Licensing Officer
Telephone: 0161 234 4965
E-mail: m.callaghan@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 The licensing of premises plays an important role in supporting the Our Manchester approach to service delivery. The Unit seeks to provide an accessible service that promotes and supports high quality licensed premises that adhere to the Licensing Objectives, as well as encouraging growth and diversity within our cultural and leisure offer. The Policy seeks to support residents' vision for Our Manchester by ensuring local communities are considered within applications and that action is taken against premises that are not managed responsibly or impact negatively on their environment.
- 1.2 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, 26 of which resulted in licences being granted.
- 3.3 Of the 26 granted licences, 10 were granted by way of determination as agreement was reached between all parties, 12 licences were granted following decisions made by the Licensing Sub-Committee, and 4 were granted by officers under delegated authority as no representations were received.
- 3.4 One application was refused following a hearing in respect of the premises: Beti News, 23 Shudehill, in the City Centre ward.
- 3.5 No appeals were made in respect of any of the above decisions.

Table 1 – Premises Licences (New)

Total applications	27
Granted by Determination	10
Granted by LSC Decision	12
Granted by Officers following no representations	4
Refused	1

Premises Licence Variations

- 3.6 A total of 33 applications for the variation of licensable activities of premises licences were received during this quarter. 17 were 'full' variations under s34 of the Act and 16 were minor variations under s41a.
- 3.7 All 17 of the 'full' variations were granted; one by way of determination as agreement was reached between all parties; five following decisions made by the Licensing Sub-Committee and 11 were granted by officers under delegated authority as no representations were received.
- 3.8 No 'full' variation application was refused.
- 3.9 No appeals were made in respect of any of the above decisions.
- 3.10 In respect of the 16 minor variation applications received, all were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives.

Table 2 – Premises Licences (Variations)

Total applications	33
Granted by Determination	1
Granted by LSC Decision	5
Granted by Officers following no representations	11
'Full' Variations refused	0
Decisions Appealed	0
Minor Variations granted	16
Minor Variations refused	0

Temporary Event Notices

- 3.11 A standard temporary event notice (TEN) must be submitted no later than 10 working days before the event period begins, whereas a late TEN can be submitted no later than 5 working days, but no earlier than 9 working days, before the day the event period begins.
- 3.12 A total of 333 TENs were submitted to the Licensing team, of which 254 were standard TENs and 79 were late TENs.
- 3.13 14 of the standard TENs submitted were rejected as not properly made, and 6 of the Late TENs were likewise rejected as not properly made.
- 3.14 Of the 240 correctly made standard TENs, 3 were subsequently withdrawn by the premises users before the event took place.
- 3.15 In respect of the remaining 238 standard TENs, 6 objections were received from Greater Manchester Police and 3 objections from Environmental Health. Eight of these 9 objections were subsequently withdrawn before a hearing took place and the decision of the Licensing Sub-Committee with regard to the remaining TEN was to serve a counter notice against it.
- 3.16 Of the 75 correctly made Late TENs, 2 were subsequently withdrawn by the premises users before the event took place. No objections were received against any of the Late TENs.
- 3.17 A total of 240 standard TENs and 73 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	254	79	333
Rejected not properly made	13	4	17
Acknowledged by Officers	240	73	313
Notice withdrawn by applicant	3	2	5

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

Premises Licence Transfers

- 3.18 A total of 30 applications to transfer a premises licence were received. All applications were granted by officers under delegated authority as no objections were received from Greater Manchester Police.

Variation of the Designated Premises Supervisor

- 3.19 A total of 112 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received. 111 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

- 3.20 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.
- 3.21 No Interim Authority Notices under the Licensing Act 2003 were received during the quarter.

Premises Licence Reviews

- 3.22 There was one standard review hearing during the quarter regarding Big Western Hotel, 87 Great Western Street, Manchester, M16 7PA. The review was made by the Licensing and Out of Hours team on 18/11/2016 and the initial hearing took place on 10/01/2017. The Solicitor representing the premises made a request to the committee to adjourn the proceedings as the owners of the business had commissioned an acoustics report with a view to carrying out sufficient soundproofing work as soon as possible at the premises. The hearing was adjourned until 06/02/2017.

- 3.23 The Licensing Sub-Committee decision at the hearing on 06/02/2017 was to amend the hours in respect of the carrying out of licensable activities and to add five conditions to the licence.
- 3.24 One summary review of a premises licence was submitted, for Sakana, Ground & First Floor, 23 Peter Street, Manchester, M2 5QJ, following a large scale fight that took place in the premises and subsequently spilled over into the street. Interim steps taken by the Sub-Committee pending the full review hearing were to impose seven additional conditions on the licence. The full review hearing took place on 30/01/2017 and the decision of the Sub-Committee was to discharge the Interim Steps and add eight new conditions to the licence regarding restricting hours on certain days, providing notice of pre-arranged functions, restricting use of glassware, the use of SIA registered door supervisors, the restriction of 'undesirables' and the operation of a music policy, a dress code policy, a glass policy and an emergency response plan.

Surrendered / Lapsed Licences

- 3.25 11 premises licences were surrendered by the respective licence holders.
- 3.26 2 premises licences lapsed due to insolvency of the licence holders.

Personal Licences

- 3.27 A total of 93 applications for personal licences were received. All were granted under delegated authority by officers as no objections were received from Greater Manchester Police.
- 3.28 One personal licence was surrendered by the licence holder.

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 new premises licences under the Gambling Act 2005 were received during this quarter.

Premises Licence Variations

- 4.5 One application to vary a premises licence under the Gambling Act 2005 was received during this quarter, regarding Grosvenor Casino, 35A – 39A George Street, Manchester, M1 4HQ. The variation was to amend the internal layout of the premises. No representations were received so the application was granted as applied for.

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 One Betting premises licence granted under the Gambling Act 2005 was surrendered during this quarter. No premises licence lapsed or was 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 was one application for an Alcohol Licensed Premises Gaming Machine Permit 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, four 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 Three 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)	1
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	3
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	7
Chaperone Registration	3
Hairdresser Registration	2
House to House Collection Licence	2
Hypnotism Licence	0
Juvenile Employment Licence	115
Juvenile Employment Work Permit	6
Leaflet Distribution Permit	46
Performing Animals Registration	0
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	14
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	12
Pet Shop Licence (renewal)	11
Riding Establishment Licence	2
Scrap Metal Licence (new)	7
Scrap Metal Licence (renewal)	11
Second Hand Goods Registration	7

Sex Establishment Licence	5
Street Collection Permit	41
Street Trading Consent (new)	2
Street Trading Consent (renewal)	17
Street Trading Licence (new)	0
Street Trading Licence (renewal)	5
Tables and Chairs on the Highway (new)	8
Tables and Chairs on the Highway (renewal)	30

6.0 Contributing to the Manchester Strategy

6.1 A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities

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 A highly skilled city: world class and home grown talent sustaining the city's economic success

6.2.1 An effective Licensing Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives

6.3 A progressive and equitable city: making a positive contribution by unlocking the potential of our communities

6.3.1 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.

6.4 A liveable and low carbon city: a destination of choice to live, visit and work.

6.4.1 An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

6.5 A connected city: world class infrastructure and connectivity to drive growth

- 6.5.1 Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.

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 January and 31 March 2017. 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.