

**Manchester City Council
Report for Information**

Report To: Licensing Committee – 23 October 2017

Subject: Licensing (Premises) Applications Between 1 April 2017 and 30 June 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

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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.

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 43 new premises licence applications, 42 of which resulted in licences being granted.

3.3 Of the 42 granted licences, 12 were granted by way of determination as agreement was reached between all parties, 14 licences were granted following decisions made by the Licensing Sub-Committee, and 16 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: Sapphire Fast Food, 575 Ashton New Road, M11 4EA in Ancoats & Clayton Ward.

3.5 No appeals were made in respect of any of the above decisions.

Table 1 – Premises Licences (New)

Total applications	43
Granted by Determination	12
Granted by LSC Decision	14
Granted by Officers following no representations	16
Refused	1

Premises Licence Variations

3.6 A total of 41 applications for the variation of licensable activities of premises licences were received during this quarter. 23 were 'full' variations under s34 of the Act and 18 were minor variations under s41a.

3.7 Of the 23 'full' variations, 22 were granted; two by way of determination as agreement was reached between all parties; five following decisions made by the Licensing Sub-Committee and 15 were granted by officers under delegated authority as no representations were received.

- 3.8 One 'full' variation application was refused following a hearing in respect of the premises: Tinapa, 853 Ashton Old Road, M11 2NL in Bradford Ward.
- 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.

3.11 Table 2 – Premises Licences (Variations)

Total applications	41
Granted by Determination	2
Granted by LSC Decision	5
Granted by Officers following no representations	15
'Full' Variations refused	1
Decisions Appealed	0
Minor Variations granted	18
Minor Variations refused	0

Temporary Event Notices

- 3.12 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.
- 3.13 A total of 305 valid TENs were submitted to the Licensing team, of which 204 were standard TENs and 101 were Late TENs.
- 3.14 Of the 204 standard TENs, 10 were subsequently withdrawn by the premises users before the event took place.
- 3.15 In respect of the remaining 193 standard TENs, two attracted objections from both Greater Manchester Police and Environmental Health and two TENs attracted objections from either Greater Manchester Police or Environmental Health only. 3 TENs were subsequently withdrawn before a hearing took place. Only one TEN proceeded to a hearing by the Licensing Sub-Committee, where the decision was to attach the conditions already in force on the premises licence for the same venue. .
- 3.16 Of the 101 Late TENs, 1 was subsequently withdrawn by the premises user before the event took place and three attracted objections so had counter notices issued against them.

- 3.17 A total of 190 standard TENs and 97 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	204	101	305
Acknowledged by Officers	190	97	287
Notice withdrawn by applicant	10	1	12
TEN modified	-	-	-
Counter Notice served	-	3	3
Conditions added by sub-committee	1	-	1
Counter Notice not served, no conditions	-	-	-
Notice withdrawn by applicant prior to hearing	3	-	3
Objection withdrawn prior to hearing	-	-	-

Premises Licence Transfers

- 3.18 A total of 55 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 129 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received. All 129 were granted by officers under delegated authority as no objections were received 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 A total of six reviews were received during the quarter. Two were Summary Reviews, which can only be submitted by the police, and there were four standard review hearings; submitted by other responsible authorities.
- 3.23 The two summary reviews were in respect of venues in the city centre: Silks, 18-22 Lloyd Street M2 5WA and Charlies Night Club, 1 Harter Street M1 6HY.
- 3.24 The summary review in respect of Silks was as a result of a large-scale fight inside the premises which spilled outside and involved a member of staff being hit on the head by a thrown bottle. The premises licence was suspended as an interim step at a hearing on 07/04/2017 and at the full hearing on 28/04/2017, the Licensing Committee's decision was to attach an additional 13 conditions to the licence, remove the designated premises supervisor, and suspend the licence for the maximum 3 month period permitted.
- 3.25 The summary review in respect of Charlie's Night Club was as a result of an altercation at the premises where several people stabbed. The premises licence was suspended as an interim step at a hearing on 29/06/2017 and at the full hearing on 18/07/2017, the Licensing Committee revoked the premises licence.
- 3.26 The Council's Licensing and Out of Hours team applied for a standard review in respect of Bourbon and Black, 704 Wilmslow Road, M20 4DW. The grounds for review were noise breakout from patrons, the premises operating outside its licensed hours, licensable activities taking place after the premises licence had lapsed and the premises licence holder's failure to ensure conditions attached to the licence were adhered to. At the hearing on 30/05/2017, the licence was revoked by the Licensing Sub-Committee.
- 3.27 Trading Standards applied for review in respect of Baltic European Food, 399 Palatine Road, M22 4JS following the seizure of illicit tobacco at the premises. At the hearing on 27/06/2017, the licence was revoked by the Licensing Sub-Committee.

Two reviews were submitted on 30/06/2017 by Home Office Immigration Enforcement in respect of Sangam 2, 762-766 Wilmslow Road, M20 2DR and Swadesh, 98 Portland Street, M1 2DX following separate immigration offences at both premises by the same premises licence holder. At the hearings, the Sub-Committee determined no action was appropriate to promote the licensing objectives in either case as there had been full compliance with the Compliance Orders and all documentation and worker checks had been in order on several subsequent impromptu visits.

Surrendered / Lapsed Licences

- 3.28 11 premises licences were surrendered by the respective licence holders.
- 3.29 9 premises licences lapsed due to insolvency of the licence holders.

Personal Licences

3.30 A total of 88 applications for personal licences were received. All were granted under delegated authority by officers as no objections were received from Greater Manchester Police.

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 One new premises licence application under Gambling Act 2005 was received during this quarter in respect of an Adult Gaming Centre for Golden Touch, 29-30 Oldham Street, M1 1JG. This application was granted with conditions by the Licensing Sub-Committee at a hearing on 01/08/2017.

Premises Licence Variations

4.5 There were no applications to vary a premises licence under the Gambling Act 2005 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 Betting (Non-track) premises licences granted under the Gambling Act 2005 were 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, one notification 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 One registration to conduct a small society lottery was 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)	1
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	0
Chaperone Registration	9
Hairdresser Registration	3
House to House Collection Licence	1

Hypnotism Licence	0
Juvenile Employment Licence	149
Juvenile Employment Work Permit	8
Leaflet Distribution Permit	66
Performing Animals Registration	0
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	27
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	14
Pet Shop Licence (renewal)	1
Riding Establishment Licence	0
Scrap Metal Licence (new)	1
Scrap Metal Licence (renewal)	0
Second Hand Goods Registration	8
Sex Establishment Licence	1
Street Collection Permit	29
Street Trading Consent	31
Street Trading Licence	5
Tables and Chairs on the Highway	50

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 April 2017 and 30 June 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.