

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 4 December 2017

Subject: Licensing (Premises) applications between 1 July 2017 and 30 September 2017

Report of: Head of Planning, Building Control and 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.

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 42 new premises licence applications, 39 of which resulted in licences being granted.
- 3.3 Of the 39 granted licences, 14 were granted by way of determination as agreement was reached between all parties, 11 licences were granted following decisions made by the Licensing Sub-Committee, and 14 were granted by officers under delegated authority as no representations were received.
- 3.4 Three applications were refused following a hearing in respect of the following premises:
- 3.4.1 Moston Meats, 218 Moston Lane, Manchester, M40 9NS in Harpurhey Ward.
 - 3.4.2 Sapphire Fast Food, Unit B, 575 Ashton New Road, Manchester, M11 4EA in Ancoats and Clayton ward.
 - 3.4.3 Polmark Food Ltd, Ground Floor, 99 Palatine Road, Manchester, M22 4JS in Northenden ward.
- 3.5 No appeals were made in respect of any of the above decisions.

Table 1 – Premises Licences (New)

Total applications	42
Granted by Determination	14
Granted by LSC Decision	11
Granted by Officers following no representations	14
Refused	3

Premises Licence Variations

- 3.6 A total of 59 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 32 were minor variations under s41a.
- 3.7 Of the 27 'full' variations, 25 were granted; one by way of determination as agreement was reached between all parties; three following decisions made by the Licensing Sub-Committee and 21 were granted by officers under delegated authority as no representations were received.
- 3.8 Two 'full' variation applications were refused following a hearing in respect of the following premises:
- 3.8.1 Tinapa, 853 Ashton Old Road, M11 2NL in Bradford Ward.

3.8.2 Victoria Hotel, 438 Wilmslow Road, Manchester, M20 3BW in Old Moat ward.

- 3.9 No appeals were made in respect of any of the above decisions.
- 3.10 In respect of the 32 minor variation applications received, 24 were granted as it was considered that the variation proposed would not adversely impact upon the licensing objectives. Eight were refused as it was considered that the variation proposed could adversely impact upon the licensing objectives.

Table 2 – Premises Licences (Variations)

Total applications	59
Granted by Determination	1
Granted by LSC Decision	3
Granted by Officers following no representations	21
'Full' Variations refused	2
Decisions Appealed	0
Minor Variations granted	24
Minor Variations refused	8

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 305 valid TENs were submitted to the Licensing team, of which 226 were standard TENs and 79 were Late TENs.
- 3.13 Of the 226 standard TENs, ten were subsequently withdrawn by the premises users before the event took place.
- 3.14 In respect of the remaining 216 standard TENs, one attracted an objection from Environmental Health and proceeded to a hearing before the licensing sub-committee on 15/08/2017. The sub-committee considered that it was *not* necessary to give a counter notice under the Licensing Act 2003 but did impose a condition on the TEN that the serving of alcohol was to finish at 10.00pm and music to finish at 10.58pm.
- 3.15 Of the 79 Late TENs, two were subsequently withdrawn by the premises user before the event took place and four attracted objections from Greater Manchester Police and so had counter notices issued against them.
- 3.16 A total of 216 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	226	79	305
Acknowledged by Officers	216	73	289
Notice withdrawn by applicant	10	2	12
TEN modified	-	-	-
Counter Notice served	-	4	4
Counter Notice not served, conditions added by sub-committee	1	-	1
Counter Notice not served, no conditions	-	-	-
Notice withdrawn by applicant prior to hearing	-	-	-
Objection withdrawn prior to hearing	-	-	-

Premises Licence Transfers

- 3.17 A total of 39 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

- 3.18 A total of 121 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received. 120 were granted by officers under delegated authority as no objections were received from Greater Manchester Police. One attracted an objection from Greater Manchester Police as the proposed new DPS was already named as DPS on two existing licences. This application was subsequently withdrawn by the applicant.

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 One Interim Authority Notice under the Licensing Act 2003 was received during the quarter following the insolvency of the licence holder. The licence was subsequently transferred.

Premises Licence Reviews

- 3.21 A total of three reviews were received during the quarter. Two were Summary Reviews, which can only be submitted by the police, and the other was a standard review, submitted by the Licensing Out of Hours team.
- 3.22 The two summary reviews were in respect of venues in the city centre: The Spot, 40 Princess Street, Manchester, M1 6DE and Mambos, Unit 1 Victoria Building, Dantzic Street, Manchester, M4 2AD.
- 3.23 The summary review in respect of The Spot was made following a stabbing in the premises. The premises licence was suspended as an interim step at a hearing on 03/08/2017 and, at the full hearing on 29/08/2017, the Licensing Committee's decision was to revoke the licence.
- 3.24 The summary review in respect of Mambos was made following a violent altercation inside the premises involving males armed with knives and bottles. The premises licence was suspended as an interim step at a hearing on 03/08/2017 and, at the full hearing on 29/08/2017, the Licensing Committee's decision was to revoke the licence.
- 3.25 The Council's Licensing and Out of Hours team applied for a standard review in respect of Curry Mile Mini Market, 87 Wilmslow Road, Manchester, M14 5SU. The grounds for review were for selling alcohol outside the permitted hours, exposing alcohol for sale outside the permitted hours, breach of premises licence conditions and lack of control of the premises. At the hearing on 26/09/2017, the licence was revoked by the Licensing Sub-Committee.
- 3.26 Between the review application being submitted and the hearing on 26/09/17, the licence for Curry Mile Mini Market was transferred. The new licence holder has submitted an appeal against the revocation of the licence on the grounds that -
- 3.26.1 the Licensing Sub-Committee's Decision was neither appropriate, necessary nor proportionate; and/or
 - 3.26.2 the Licensing Sub-Committee erred in refusing to accept the new Management as an appropriate step to take on the Review; and/or
 - 3.26.3 the proper disposition of the Review was to allow the Premises Licence to remain in force but subject to additional Conditions.
- 3.27 The first hearing for the appeal has been listed for 22/11/2017.

Surrendered / Lapsed Licences

- 3.28 17 premises licences were surrendered by the respective licence holders.
- 3.29 Four premises licences lapsed due to insolvency of the licence holders.

Personal Licences

3.30 A total of 118 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 the Gambling Act 2005 was received during this quarter in respect of an Adult Gaming Centre for Arrivals Arcade, Terminal 2, Manchester Airport, M90 1QX. The application was granted under delegated authority by a licensing officer as no representations were received.

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 One Betting (Non-track) 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 were no applications 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, six 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 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)	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)	6
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	24
Hairdresser Registration	5
House to House Collection Licence	1
Hypnotism Licence	0

Juvenile Employment Licence	229
Juvenile Employment Work Permit	9
Leaflet Distribution Permit	187
Performing Animals Registration	0
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	30
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	17
Pet Shop Licence (new)	1
Pet Shop Licence (renewal)	0
Riding Establishment Licence	0
Scrap Metal Licence (new)	0
Scrap Metal Licence (renewal)	0
Second Hand Goods Registration	13
Sex Establishment Licence (renewal)	1
Street Collection Permit	61
Street Trading Consent	22
Street Trading Licence	6
Tables and Chairs on the Highway	24

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.