

**Manchester City Council  
Report for Information**

**Report to:** Licensing Committee – 26 February 2018

**Subject:** Licensing (Premises) applications between 1 October 2017 and 31 December 2017

**Report of:** Head of Planning, Building Control & Licensing

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**Summary**

To inform the Committee of decisions made in relation to applications managed by the Premises Licensing Team.

**Recommendations**

That Members note the report.

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**Wards Affected:**

All

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
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

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#### **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 51 new premises licence applications, 47 of which resulted in licences being granted.
- 3.3 Of the 47 granted licences, 23 were granted by way of determination as agreement was reached between all parties, seven licences were granted following decisions made by the Licensing Sub-Committee, and 17 were granted by officers under delegated authority as no representations were received.
- 3.4 Four applications were refused following a hearing in respect of the following premises:
- 3.4.1 Rubber Soul Hair, 16 Whittle Street, Manchester, M4 1LT in Ancoats & Clayton Ward.
  - 3.4.2 Turkish Café, 78-80 Wilmslow Road, Manchester, M14 5AL in Rusholme ward.
  - 3.4.3 MRH Fallowfield, Fallowfield Service Station, 377-385 Wilmslow Road, Manchester, M14 6AH in Withington ward.
  - 3.4.4 Chicken Bar, 195 Victoria Avenue, Blackley, Manchester, M9 0RA in Higher Blackley Ward.
- 3.5 No appeals were made in respect of any of the above decisions.

**Table 1 – Premises Licences (New)**

Total applications	51
Granted by Determination	23
Granted by LSC Decision	7
Granted by Officers following no representations	17
Refused	4

### Premises Licence Variations

- 3.6 A total of 43 applications for the variation of licensable activities of premises licences were received during this quarter. 24 were 'full' variations under s34 of the Act and 19 were minor variations under s41a.
- 3.7 Of the 24 'full' variations, 23 were granted; three by way of determination as agreement was reached between all parties; four following decisions made by the Licensing Sub-Committee and 16 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 following premises:
- 3.8.1 Aman Newsagent & Off Licence, 58 Burton Road, Manchester, M20 3EB in Old Moat 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, 17 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. Two were refused as it was considered that the variation proposed could adversely impact upon the licensing objectives –
- 3.11 The Northern, 73-75 Oldham Street, Manchester, M4 1LW - the proposed variations to the premises layout would lead to an increase in the capacity for drinking on the premises and may also affect access between the public part of the premises and the rest of the premises or the street (e.g. by blocking emergency exits or routes to emergency exits).
- 3.12 The Ram Lodge & Ram Bar, 393 Wilmslow Road, Manchester, M20 4WA - the application was originally made in conjunction with an agreement from the Out of Hours Team to reflect a change in the style of operation, to facilitate the transition towards a restaurant. It was agreed that the revisions to conditions, which were generally more restrictive, could be done by way of a minor variation. The subsequent application included use of the external area for shisha smoking. To approve the minor variation would give tacit consent to the revised use of the external area for shisha smoking which was identified as a concern. The test for a minor variation is whether the proposed changes could adversely impact and there is no facility to grant (or refuse) only parts of the application. Therefore, it would not be appropriate to authorise by way of a minor variation and so the application must be refused.

**Table 2 – Premises Licences (Variations)**

Total applications	43
Granted by Determination	3
Granted by LSC Decision	4
Granted by Officers following no representations	16
'Full' Variations refused	1
Decisions Appealed	0
Minor Variations granted	17
Minor Variations refused	2

Temporary Event Notices

- 3.13 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.
- 3.14 A total of 411 valid TENs were submitted to the Licensing team, of which 283 were standard TENs and 128 were Late TENs.
- 3.15 Of the 283 standard TENs, seven were subsequently withdrawn by the premises users before the event took place.
- 3.16 In respect of the remaining 276 standard TENs, 11 attracted an objection from Environmental Health, one an objection from GMP and one an objection from both. Of these 13 TENs, nine were withdrawn by the premises users before the scheduled hearing, and four proceeded to a hearing before the licensing sub-committee.
- 3.17 For one of these four, the sub-committee considered that it was *not* necessary to give a counter notice under the Licensing Act 2003 but it did impose conditions on the TEN consistent with conditions on the premises licence in force at the premises.
- 3.18 The sub-committee considered that it was necessary to give a counter notice under the Licensing Act 2003 for the remaining three TENs.
- 3.19 Of the 128 Late TENs, three were subsequently withdrawn by the premises user before the event took place. Two attracted objections from Greater Manchester Police and two from Environmental Health and so had counter notices issued against them.
- 3.20 A total of 263 standard TENs and 121 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	283	128	411
Acknowledged by Officers	263	121	384
Notice withdrawn by applicant	7	3	10
TEN modified	-	-	-
Counter Notice served	3	4	7
Counter Notice not served, conditions added by sub-committee	1	-	1
Counter Notice not served, no conditions	-	-	-
Notice withdrawn by applicant prior to hearing	9	-	9
Objection withdrawn prior to hearing	-	-	-

### Premises Licence Transfers

- 3.21 A total of 57 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

- 3.22 A total of 130 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received. One attracted an objection from Greater Manchester Police though this was subsequently withdrawn prior to the hearing. All 130 applications were therefore granted by officers under delegated authority.

### Interim Authority Notices

- 3.23 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.
- 3.24 No Interim Authority Notices under the Licensing Act 2003 were received during the quarter.

### Premises Licence Reviews

- 3.25 One standard review was received during the quarter, submitted by the Licensing and Out of Hours Compliance team.
- 3.26 The application was in respect of 360 Café, 54-56 Wilmslow Road, Manchester, M14 5AL on the grounds of the premises allowing the smoking of shisha in an area that is more than 50% covered, contrary to Section 8 (1) of the Health Act 2006 (failing to prevent smoking in a smoke free place.).
- 3.27 At the hearing on 05/12/2017, the Licensing Sub-Committee revoked the licence. This has not been appealed.

### Surrendered / Lapsed Licences

- 3.28 Nine premises licences were surrendered by the respective licence holders.
- 3.29 Two premises licences lapsed, one due to the insolvency of the licence holder and one due to the death of the licence holder.



### Personal Licences

- 3.30 A total of 98 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 two applications to vary a premises licence under the Gambling Act 2005 during this quarter. Both related to the building at 110-114 Portland Street, licensed as Genting Casino, and were submitted following pre-consultation with the Licensing Unit. One variation was to the boundary of the premises and the other was to relocate Mint Manchester Casino from its existing location to that now de-licensed part of the building at 110-114 Portland Street. There were no objections to either application and both were granted under delegated authority.

### 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 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 One application for an Alcohol Licensed Premises Gaming Machine Permit was granted during this quarter.
- 4.14 One Alcohol Licensed Premises Gaming Machine Permit was surrendered during this quarter.
- 4.15 There were no applications for a Club Gaming and Machine Permit during this quarter.
- 4.16 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.

- 4.17 During the quarter, three notifications under section 282 were received and acknowledged by the Premises Licensing team.
- 4.18 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.
- 4.19 Six 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)	3
Club Machine Permits	0
Club Gaming Permits	0
Family Entertainment Centre Gaming Machine Permits	0
Small Society Lottery Registration	6
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	14
Hairdresser Registration	1
House to House Collection Licence	10
Hypnotism Licence	0
Juvenile Employment Licence	135
Juvenile Employment Work Permit	5
Leaflet Distribution Permit	65
Performing Animals Registration	0
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	10
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	3
Pet Shop Licence (new)	0
Pet Shop Licence (renewal)	0
Riding Establishment Licence	0
Scrap Metal Licence (new)	1
Scrap Metal Licence (renewal)	0
Second Hand Goods Registration	8
Sex Establishment Licence (renewal)	1
Street Collection Permit	37
Street Trading Consent	14
Street Trading Licence	1
Tables and Chairs on the Highway	7

## **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 October 2017 and 31 December 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.