

**Manchester City Council  
Report for Resolution**

Report To: Licensing Subcommittee Hearing Panel

Subject: Mr [REDACTED] - Application ref: LIA246530

Report of: Director of Planning, Building Control & Licensing

---

**Summary**

Application for the grant of a personal licence which has attracted objections.

**Recommendations**

That the Panel determine the application.

---

**Wards Affected:**

None

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 regime 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.
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	
---	--

**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: Fraser Swift  
Position: Principal Licensing Officer  
Telephone: 0161 234 1176  
E-mail: [f.swift@manchester.gov.uk](mailto:f.swift@manchester.gov.uk)

Name: Patrick Ware  
Position: Technical Licensing Officer  
Telephone: 0161 234 4858  
E-mail: [premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)

**Background documents (available for public inspection):**

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

## 1. Introduction

- 1.1 On 15/05/2020, an application for the grant of a Personal Licence under s117 of the Licensing Act 2003 was made by [REDACTED].
- 1.2 If it appears to the licensing authority that the applicant for a personal licence has been convicted of any relevant offence or any foreign offence, the authority must give the chief officer of police for its area a notice to that effect.
- 1.3 Where the chief officer of police is satisfied that granting the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day the notice was received, give the authority a notice stating the reasons for being so satisfied.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. The Application

- 2.1 A copy of the application is attached at **Appendix 1**.
- 2.2 The applicant is [REDACTED].
- 2.3 **Further documentation accompanying the application**
- 2.3.1 The applicant has not submitted any documents in support of their application.

## 3. Relevant Representations

- 3.1 A total of one relevant representation was received in respect of the application (**Appendix 2**). The personal details of all members of the public have been redacted. Original copies of this representation will be available to the Panel at the hearing.

- Greater Manchester Police

- 3.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	The applicant has a relevant live conviction for a fraud offence, dated [REDACTED] for which he received a 10 month suspended custodial sentence. The conviction carries a rehabilitation period under the Rehabilitation of Offenders Act of 4 years, from the end of the sentence, so this conviction is live	Refuse

	until October 2022.	
	As a result GMP feels that the applicant does not have the requisite integrity and good character to be a Personal Licence Holder.	

#### **4. Key Policies and Considerations**

##### **4.1 Legal Considerations**

- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

##### **4.2 New Information**

- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

##### **4.3 Hearsay Evidence**

- 4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

##### **4.4 The Secretary of State's Guidance to the Licensing Act 2003**

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

##### **4.5 Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following section of the Policy:

### ***Section 13: Personal Licences***

A Personal Licence authorises a person to sell or supply, or authorise the sale or supply, of alcohol on a licensed premises.

A Personal Licence is granted by the local authority where the person ordinarily resides and has effect until surrendered or revoked. The licence is portable although changes of home address must be notified to the issuing licensing authority.

In order to be eligible, a person must:

- Be 18 years or over
- Possess an accredited licensing qualification
- Have not forfeited a Personal Licence in the past five years
- Have no unspent convictions (offences related to dishonesty, licensed premises or Personal Licence, firearms, violence, drink-drive and other alcohol-related offences in the UK or abroad).

Where an applicant for a Personal Licence has an unspent conviction for a relevant offence, the licensing authority will consult with the police, who shall consider whether an objection is appropriate based upon a likely breach of the crime prevention licensing objective.

Where the police have issued an objection notice, the policy is that, following a hearing, the licensing authority will refuse the application unless there are exceptional and compelling circumstances that justify granting it.

## **5. Conclusion**

5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder

- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

- 5.2 In considering the matter, the Panel should take into account any representations or objections that have been received, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 Having regard to the objection notice, the licensing authority must –
- where the notice is an objection notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so, or
- 5.4 Where the application is not rejected the licencing authority must grant it.
- 5.5 All licensing determinations should be considered on the individual merits of the application.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 5.8 **The Panel is asked to determine the application.**