



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 11 November 2019

Time: 10.00 am

Venue: Council Antechamber - Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

### **Access to the Council Antechamber**

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

## **Membership of the Licensing Sub Committee Hearing Panel**

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**Councillors** - Ludford (Chair), Evans and Lynch

## Supplementary Agenda

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| 1.1 | Urgent Business Agreed by the Chair<br>There are three items of additional business that the Chair has agreed will be considered as urgent business.               |       |
| 1.2 | Determination - ASDA, Swan Walk, Wythenshawe Civic Centre<br>A report of the Director of Planning, Building Control & Licensing was to be considered by the Panel. | 3 - 4 |
| 1.3 | Determination - Hillary Step, 199 Upper Chorlton Road<br>A report of the Director of Planning, Building Control & Licensing was to be considered by the Panel.     | 5 - 6 |
| 1.4 | Determination - The Shack, 69 High Street<br>A report of the Director of Planning, Building Control & Licensing was to be considered by the Panel.                 | 7 - 8 |

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

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This supplementary agenda was issued on **Friday, 8 November 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA



## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 238514  
**Name:** Asda  
**Address:** Swan Walk, Wythenshawe Civic Centre, Simonsway, Manchester, M22 5HZ  
**Ward:** Woodhouse Park  
**Application Type:** Premises Licence variation  
**Name of Applicant:** Asda Stores Ltd  
**Date of application:** 09/10/2019

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

### Proposed licensable activities and opening hours to be granted

#### Description of proposed variation as given by the applicant:

1. To vary the hours for the sale by retail of alcohol to 06.00 to 24.00 from 1st January to 30th November.
2. To vary the hours for late night refreshment to 23.00 to 24.00 hours from 1st January to 30th November.
3. To vary the hours for the sale by retail of alcohol to 00.00 to 24.00 hours from 1st December to 31st December.
4. To vary the hours for late night refreshment to 00.00 to 05.00 and 23.00 to 24.00 hours from 1<sup>st</sup> December to 31<sup>st</sup> December and 00.00 to 05.00 on the 1<sup>st</sup> January.

#### Proposed hours and licensable activities:

Provision of late night refreshment:

Current hours: Not permitted

Proposed hours: Mon to Sun 11pm to 12 midnight

12 midnight to 5am and 11pm to 12 midnight from 1<sup>st</sup> December to 31st December

inclusive and from 12 midnight to 5am on 1st January

Supply of alcohol for consumption off the premises only:

Current hours: Mon to Sat 6am to 11pm, Sun 10am to 5.30pm

Proposed hours: Mon to Sun 6am to 12 midnight

24 hours from 1<sup>st</sup> December to 31<sup>st</sup> December inclusive

Opening hours:

Current hours: Mon to Sun 24 hour opening

Proposed hours: Mon to Sun 24 hour opening

### **Representations received**

Licensing & Out of Hours  
Compliance

Risk of public nuisance from litter, increased  
footfall and noise from customers.

### **Agreements between parties**

#### **Licensing & Out of Hours Compliance:**

- The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public;
- No rubbish, including bottles, shall be moved, removed or placed in outside areas between 22:00 and 07:00 hours;
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly;
- Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.

#### **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
- Original application form
- Representations made against application and respective agreements



## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 238370  
**Name:** Hillary Step  
**Address:** 199 Upper Chorlton Road, Manchester, M16 0BH  
**Ward:** Whalley Range  
**Application Type:** Premises Licence variation  
**Name of Applicant:** Electriks Ltd  
**Date of application:** 07/10/2019

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

### Proposed licensable activities and opening hours to be granted

1. Vary the layout of the premises in accordance with the plans attached to this application;
2. Remove the non-standard timings for Good Friday and Christmas Day;
3. Extend the hours for late night refreshment on a Friday, Saturday and Sunday so that they are in line with the hours for the sale of alcohol;
4. Remove Conditions 1, 5, 7 and 9 of Annex 2.
5. Remove Condition 1 of Annex 3 and replace with the following: 'The management will carry out regular perimeter checks to ensure that regulated entertainment is not causing a nuisance at nearby noise sensitive premises.'
6. Remove Condition 3 of Annex 3.
7. Amend Condition 4 of Annex 3 so that it reads as follows: 'The forecourt area will not used after 23:00 except for access/egress and/or for smokers.'

The premises licence has recently been transferred to a new operator and the purpose of the above is to ensure that the licence is fit for purpose. The conditions referred to above are either outdated, duplicated by alternative legislation or not relevant to the style of operation of the premises.

### Proposed hours and licensable activities:

Provision of late night refreshment:

Current hours: Mon to Sat 11pm to 11:30pm

Proposed hours: Sun to Thurs 11pm to 11:30pm and Fri to Sat 11pm to 12:30am

Supply of alcohol for consumption both on and off the premises:  
 Current hours: Sun to Thurs 12 noon to 11:30pm and Fri to Sat 12 noon to 12:30am  
 Proposed hours: As above with removal of non-standard timings for Good Friday and Christmas Day

### **Representations received**

Licensing & Out of Hours Compliance	Based on the grounds of public nuisance and control of noise from the premises LOOH recommend that point 5 above is amended to that shown below which has been agreed.
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### **Agreements between parties**

#### **Licensing & Out of Hours Compliance:**

The management will carry out regular perimeter checks to ensure that entertainment and patron noise is not causing a nuisance at nearby noise sensitive premises.

### **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
- Original application form
- Representations made against application and respective agreements



## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 238241  
**Name:** The Shack  
**Address:** 69 High Street, Manchester, M4 1FS  
**Ward:** Piccadilly  
**Application Type:** Premises Licence variation  
**Name of Applicant:** NQ Enterprises Limited  
**Date of application:** 04/10/2019

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

### Description of proposed variation:

1. To extend the hours for the sale of alcohol and provision of regulated entertainment on Fridays and Saturdays until 04:00, and on Wednesdays & Thursdays until 02:00. Late Night Refreshment on Fridays & Saturdays until 04:30, and on Wednesdays and Thursdays until 02:30; and
2. To remove Conditions 8 to 11 of Annex 3 of the premises licence as a consequence of the above amendments being authorised

### For information – the conditions requested to be removed are:

- On Friday and Saturday trading hours for the provision of regulated entertainment (films and recorded music) shall be: 1000 – 0200.
- On Friday and Saturday trading hours for the provision of late night refreshment shall be: 1000 – 0200.
- On Friday and Saturday trading hours for the supply of alcohol for consumption both on and off the premises shall be: 1000 – 0200.
- On Friday and Saturday opening hours for the premises shall be: 1000 – 0230

<b>Representations received</b>	
Licensing & Out of Hours Compliance	The LOOH team raises concerns that granting the application with the current operating schedule is likely to lead to issues of public nuisance. The team propose four conditions, which relate to the issues that they believe could potentially arise, "to assist the applicant in promotion of the licensing objectives".

<b>Agreements between parties</b>
<p><b>Licensing &amp; Out of Hours Compliance:</b></p> <ol style="list-style-type: none"> <li>1. There shall be a documented smoking and dispersal policies agreed with the Manchester City Council Environmental Health section, implemented at the premises and a copy lodged with the Council's Licensing Unit.</li> <li>2. There shall be no admittance or re-admittance to the premises after 03:00 hours.</li> <li>3. When the premises are carrying on licensable activities after 02:30 hours, at least 2 registered door supervisors are to be on duty at each door used for entry or exit.</li> <li>4. The Nitenet radio link shall be operated from 22:00 hours until the premises have closed. The radio shall be kept in good working order, operated by a responsible member of staff and used to report incidents of crime and disorder to the CCTV control room and other radio users.</li> </ol>



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

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