



Licensing Sub Committee Hearing Panel

Date: Monday, 20 April 2020

Time: 10.00 am

Venue: Conference Call - Dial: 0333 0110 946 Room
number: 29848844# PIN 1984#

This a revised second supplementary agenda and has been amended with the report on Item 8 withdrawn and replaced.

Access to the Conference Call

Dial: 0333 0110 946

Room number: 29848844#

PIN: 1984#

Public access to the Conference Call is via the '03' code telephone number above followed by entering the Room Number to enter the virtual hearing space and the PIN to log in as a "Guest." Members of the public can hear, but not participate in this hearing. Please check details of '03' code telephone number call costs with your provider.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Ludford (Chair), Grimshaw (Deputy Chair) and Jeavons

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Premises Licence Variation - Smithfield Market Tavern, 37 Swan Street, Manchester, M4 5JZ - determination 5 - 6

The determination papers are enclosed.

5. New Premises Licence - Crown And Kettle, 2 Oldham Road, Manchester, M4 5FE - determination 7 - 10

The determination papers are enclosed.

6. New Premises Licence - Canadian Charcoal Pit, 234 Burton Road, Manchester, M20 2LW - determination

The determination papers are enclosed.

7. Premises Licence Variation - Clayton Hotel Manchester Airport, Outwood Lane, Manchester, M90 4HL - determination 11 - 14

The determination papers are enclosed.

8. Premises Licence Variation - The Butchers Quarter, 66 Tib Street, Manchester, M4 1LG - determination 15 - 16

Determination enclosed.

Further Information

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

Ian Hinton-Smith

Tel: 0161 234 3043

Email: i.hintonsmith@manchester.gov.uk

This agenda was issued on **Wednesday, 16 April 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 244951
Name: Smithfield Market Tavern
Address: 37 Swan Street, Manchester, M4 5JZ
Ward: Piccadilly
Application Type: Premises Licence variation
Name of Applicant: James Lee Darcey
Date of application: 4 March 2020

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 to be granted

1. Amend the activity the **Sale by retail of alcohol** to allow consumption of alcohol both on and off the premises. The hours for this activity have not been amended and are to remain as per the current licence
2. The removal of condition 2 of Annex 3 'Polycarbonate glasses shall be used in the beer garden at all times'.

Representations received

Licensing & Out of Hours Compliance (LOOH)

LOOH objected to the variation application, based on the grounds that the application undermined the licensing objectives the prevention of crime and disorder and the prevention of public nuisance. LOOH had concerns that the removal of alcohol from the premises, in open containers, would result in crime and disorder and public nuisance.

Agreements between parties

The following condition has been agreed between LOOH and the applicant:

1. All Sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the 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



MANCHESTER
CITY COUNCIL

Licensing Act 2003 (Hearings) Regulations 2005

Reference: 244711
Name: Crown and Kettle
Address: 2 Oldham Road, Manchester, M4 5FE
Ward: Ancoats and Beswick
Application Type: Premises Licence (new)
Name of Applicant: JackDaw Capital Limited
Date of application: 28 February 2020

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

Provision of regulated entertainment (films, live music, recorded music, performances of dance and anything of a similar description to live music, recorded music or performances of dance):

Mon to Sun 10.00am to 2.00am

Provision of late night refreshment:

Mon to Sun 11.00pm to 2.00am

The supply of alcohol for consumption both on and off the premises:

Mon to Sun 10.00am to 2.00am

Opening hours:

Mon to Sun 10.00am to 2.00am

Representations received

Licensing & Out of Hours
Compliance

LOOH compliance have objected to the application on the basis that, if granted in its current form, the application would lead to the undermining of all of the Four Licensing Objectives. Due to the fact that the premises is located within the Ancoats & New Islington Special Hours Policy Zone, LOOH Compliance

	<p>have requested amendments to the applied for operating times and have also requested that a number of conditions be imposed on the licence, should it be granted, that will address their concerns sufficiently.</p>
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Agreements between parties

Licensing & Out of Hours Compliance:

Agreed Conditions:

- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available upon request to the police or an authorised officer of the licensing authority, which will record incidents of crime and disorder at the premises.
- The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping.
- A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/ burn CCTV images upon request by a police officer or an authorised officer of the licensing authority.
- Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.
- Patrons shall not be permitted to remove bottles or glassware from the premises
- There shall be on external speakers operated at the premises
- Windows will remain closed and doors to the premises will remain closed (except for access and egress) after 2300
- Notices requesting customers to leave quietly and respect the needs of local residents shall be prominently displayed at all points of access and egress to the premises
- Noise or disturbance shall not emanate from the premises so as to cause a nuisance to noise sensitive premises in the vicinity
- The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM

Forces warrant card, or a card bearing the PASS hologram.

- The premises shall display prominent signage indicating at any point of sale, at the entrance to the premises that the Challenge 25 scheme is in operation.
- A log shall be kept at the premises to record all refused sales of alcohol for the reasons that the person(s) is/are, or appear(s) to be under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available upon request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.
- The premises licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, maintain the refusals log, and that they monitor staff to ensure their training is put into practice.
- Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

Agree amendments to operating times/hours:

Provision of regulated entertainment (films, live music, recorded music, performances of dance and anything of a similar description to live music, recorded music or performances of dance):

Friday – Saturday 23:00 – 00:00

Sunday – Thursday Not Permitted

Provision of late night refreshment:

Friday – Saturday 23:00 – 00:00

Sunday – Thursday Not Permitted

The supply of alcohol for consumption both on and off the premises:

Friday – Saturday 10:00 – 00:00

Sunday – Thursday 10:00 – 23:00

Opening hours:

Friday – Saturday 10:00 – 00:30

Sunday – Thursday 10:00 – 23:30

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

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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 244868
Name: Clayton Hotel Manchester Airport
Address: Outwood Lane, Manchester, M90 4HL
Ward: Woodhouse Park
Application Type: Premises Licence variation
Name of Applicant: Hallowridge Limited
Date of application: 28 February 2020

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:

The application is to vary the hours for the sale of alcohol to 24 hours daily and to remove the embedded restrictions on the licence which are no longer relevant. The provision of unrestricted late night refreshment and recorded music is to remain.

The following conditions are proposed:

- All Food and Beverage Staff to undergo training on induction as to the requirements under the Licensing Act 2003 including underage sales and the hotel's proof of age policy and to receive refresher training at least annually.
- A challenge 25 proof of age scheme shall operate at the premises. Signage shall be displayed advising customers that the scheme is in place.
- The premises shall maintain a CCTV system which shall cover all public areas where licensable activities may be provided and the main entrance to the hotel and which will be operated 24 hours a day, seven days a week. Images will be retained for a minimum of 14 days.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police or authorised council of 5 copies of recent CCTV images or data with the minimum of delay when requested.
- An incident log and a refusals log will be maintained by the premises that shall, as a minimum, detail: incidents of note that occur on the premises; refused sales; disorder;

and ejections. The logs shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check to ensure the logs are being used by all relevant staff.

- The premises licence holder will risk assess the need for door supervisors at the premises and/or deploy such supervisors at such time and in such numbers as deemed necessary by the risk assessment and/or at other times at the request of the police.

Conditions to be removed:

The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:

- (a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption ancillary to the meals;
- (d) Consumption of the alcohol on the premises by, or the taking or sale or supply of alcohol to any person residing in the licensed premises;
- (e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) The taking of alcohol from the premises by a person residing there; or

2. The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Proposed hours and licensable activities:

Supply of alcohol for consumption both on and off the premises:
 Current hours: Mon to Sat 11am to 11pm, Sun 12 noon to 10:30pm
 Proposed hours: Mon to Sun 12 midnight to 12 midnight (24 hours)

Opening hours:
 Current hours: Unrestricted
 Proposed hours: Unrestricted

Representations received

Licensing & Out of Hours Compliance	Concerns regarding the prevention of public nuisance licensing objectives due to the
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	extended hours for the consumption of alcohol, the possibility that patrons will be attracted to the premises from surrounding hotels and that the venue could become an attraction for hen dos and their associated problems of noise and its impact on surrounding hotels and local residents.
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Agreements between parties

Licensing & Out of Hours Compliance:

Between 01.00 and 09.00 daily the sale of alcohol shall only be permitted to hotel residents and their bona fide guests.

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

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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 244596
Name: The Butchers Quarter
Address: 66 Tib Street, Manchester, M4 1LG
Ward: Piccadilly
Application Type: Premises Licence variation
Name of Applicant: GH Butcher Manchester Limited
Date of application: 12/03/2020

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

Supply of alcohol for consumption on the premises only:
 Current hours: None (currently only off sales are permitted)
 Proposed hours: Mon to Sat 12 midday to 10pm, Sun 12 midday to 7pm

Supply of alcohol for consumption off the premises only:
 Current hours: Mon to Fri 8am to 10pm, Sat 7.30am to 8pm, Sun 10am to 4pm
 Proposed hours: Mon to Sat 8am to 10pm, Sun 8am to 7pm

Opening hours:
 Current hours: Mon to Fri 8am to 10pm, Sat 7.30am to 8pm, Sun 10am to 4pm
 Proposed hours: Mon to Sat 8am to 10pm, Sun 8am to 7pm

Representations received

Licensing & Out of Hours Compliance	The grant of the variation application, in its current form, is likely to lead to the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing objectives being undermined – LOOH have proposed a number of conditions to help prevent this.
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Agreements between parties

Licensing & Out of Hours Compliance:

1. Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area under the control of the premises.
2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
5. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.

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