



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 9 August 2021

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

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

### **Access to the Council Chamber**

Public access to the Council Chamber 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.

**There is no public access from any other entrance of the Extension.**

### **Face Masks/Track and Trace**

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

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

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**Councillors** - Andrews, Hassan and Hughes

## Supplementary Agenda

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|-----------|--|-------|
| <b>1c</b> | <b>Urgent Business - Application for a New Premises Licence - Divine Wellness, 1 Withington Road, Manchester, M16 7BW - determination</b><br>This item is now a determination and the determination papers are enclosed.                       | 3 - 4 |
| <b>1d</b> | <b>Urgent Business - Application for a Premises Licence Variation - El Diablo Tequila and Taco Bar, Arch 11 &amp; 12, Deansgate Locks, Whitworth Street West, Manchester, M1 5LH - determination</b><br>The determination papers are enclosed. | 5 - 6 |
| <b>7.</b> | <b>Application for New Premises Licence - Sainsburys, land bound by Old Mill Street and Great Ancoats Street, M4 6EE - determination</b><br>This item is now a determination and the determination papers are enclosed.                        | 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, 6 August 2021** 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:** 259383  
**Name:** Divine Wellness  
**Address:** 1 Withington Road, Manchester, M16 7BW  
**Ward:** Moss Side  
**Application Type:** Premises Licence (new)  
**Name of Applicant:** Valerie Torpey  
**Date of application:** 08 June 2021

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

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

Mon to Sun 9.30am to 9pm

#### Opening hours:

Mon to Sun 9.30am to 9pm

### Representations received

Trading Standards	Trading Standards would like to see more robust conditions in order to better uphold the Licensing Objective of the protection of children from harm.
Licensing & Out of Hours Compliance	LOOH have concerns relating to the noise emanating from the premises due to the proximity of numerous residential properties. To prevent public nuisance, a number of conditions have been proposed.

## **Agreements between parties**

### **Trading Standards:**

1. 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 HM Forces warrant card, or a card bearing the PASS hologram.
2. All staff engaged in the sale of alcohol will be trained with regards to the Challenge 25 policy. This training will be documented, and training should be refreshed annually.
3. The Premises Licence Holder will ensure that signage demonstrating the Challenge 25 policy as well as selling alcohol to children by proxy are placed at the entrance to the premises as well as being displayed in all areas serving alcohol. Staff training should incorporate this.
4. The Premise Licence Holder will also ensure regular checks are made around or outside of the premises for underage persons encouraging adults to buy alcohol for them.

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

5. Staff shall monitor customers outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

### **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:** 260632  
**Name:** El Diablo Tequila and Taco Bar  
**Address:** Arch 11 & 12, Deansgate Locks, Whitworth Street West, Manchester, M1 5LH  
**Ward:** Deansgate  
**Application Type:** Premises Licence variation  
**Name of Applicant:** John Rennie  
**Date of application:** 30 June 2021

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

To amend condition 24 of Annex 2 to read as follows: "No external speakers shall be operated from the premises after 23:00 daily".

There are no changes to any other part of the licence.

### Representations received

Licensing & Out of Hours Compliance

Concerns regarding the Prevention of Public Nuisance Licensing Objective: Potential noise disturbance to neighbouring residences.

### Agreements between parties

**Licensing & Out of Hours Compliance:**

The music levels for the external speakers shall be set at a level agreed with Manchester City Council, which will be reviewed upon receipt of a complaint from residents in nearby blocks.

**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:** 259673  
**Name:** Sainsburys  
**Address:** Land Bound By, Old Mill Street & Great Ancoats Street, Manchester, M4 6EE  
**Ward:** Ancoats and Beswick  
**Application Type:** Premises Licence (new)  
**Name of Applicant:** Sainsbury's Supermarkets Limited  
**Date of application:** 14 June 2021

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

The supply of alcohol for consumption off the premises only:  
Mon to Sun 7am to 11pm

Opening hours:  
Mon to Sun 24 hours per day

### Representations received

Licensing & Out of Hours  
Compliance

This representation comments that the premises is close to residential properties and is on a direct walking route from the City Centre to Etihad Stadium. Specific concerns raised are the potential for on-street consumption of alcohol, and customers discarding waste within the area and along the route to Etihad Stadium.

The steps outlined in the application do not satisfy the concerns to the LOOH team who propose a number of conditions in relation to the concerns of this team.

## Agreements between parties

### Licensing & Out of Hours Compliance:

1. All staff shall be trained in recognising signs of drunkenness. 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.
2. The Premises shall have a litter control plan in place that includes the immediate vicinity of the store.
3. Delivery drivers shall be instructed to conduct their deliveries in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address and to park considerately without causing any obstruction to the highway.

*For the purpose of the two conditions below, a Major Event is an Association Football match (domestic or international) or other event scheduled to take place at the Etihad Stadium being a match or event that Greater Manchester Police reasonably consider involves a high risk of supporter or attendee misbehaviour and that the sale of alcohol from the premises is likely to contribute to that misbehaviour.*

4. The Police shall give the licence holder a minimum of 48 hours' written notice that a Major Event is to take place.
5. The following steps will apply on the day of a Major Event:
  - a. No beer, lager or cider shall be supplied in glass vessels
  - b. All beer, lager and cider in glass vessels within the trading area is to be kept behind locked shutters/grills
  - c. No more than 4 cans of beer, lager or cider shall be sold to a single customer at any one time
  - d. At least one SIA guard shall be on duty at the premises for the period commencing 4 hours before the published kick off or start time of the Major Event ending 2 hours after the end of the Major Event.

### 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