

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Tuesday, 6 November 2018

Present: Councillor – in the Chair

Councillors: Grimshaw, Barrett, Jeavons and S Lynch

Apologies: Councillor Madeleine Monaghan

Also present: Councillors:

LACHP/18/160. Urgent Business

Councillor Madeleine Monaghan had been due to sit on this Panel, however was not able to attend due to unforeseen circumstances.

In order that the business listed should be determined, Councillors Grimshaw, Barrett and Lynch convened the meeting as 3 qualifying members of the Licensing Committee, and agreed that the meeting should be adjourned until 12.30 pm. Councillors Grimshaw, Barrett and Lynch also agreed that when the Panel reconvened, it should consist of Councillors Grimshaw, Barrett and Jeavons as qualifying members of the Licensing Committee.

Application for a New Premises Licence for Ciao Pizzeria Limited, 62 – 64 Swan Street, Manchester M4 5JU

In reaching its decision the Committee considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

The Committee noted that agreement had been reached between the applicant and all parties who had made a representation, so treated the matter as a Determination.

Decision

To grant the application subject to the following conditions.

Conditions

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst 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 so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - a. all crimes reported to the venue, or by the venue to the Police
 - b. all ejections of patrons
 - c. any incidents of disorder
 - d. any faults in the CCTV system
 - e. any visit by a relevant authority or emergency service
 - f. All refusals of sales of alcohol
3. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice.
4. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
5. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log and 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.
6. No bottles, glasses or similar items may be disposed of in outside receptacles between 22:00 and 08:00 hours.
7. At the end of trading each day the pavement from the building line to the kerb edge immediately outside the premises shall be swept or washed and litter stored in accordance with waste storage arrangements.
8. The Challenge 21 scheme must be operated to ensure that any person who appears to be under the age of 21 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.
9. A log shall be kept at the premises and record all refused sales of alcohol for the reasons that the person(s) is, or appear 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 on 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.

LACHP/18/161. Application for a Premises Licence Variation for Deansgate Social, 76-78 Deansgate, Manchester, M3 2FW

In reaching its decision the Committee considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

The Committee noted that agreement had been reached between the applicant and all parties who had made a representation, so treated the matter as a Determination.

Decision

To grant the application subject to the following conditions.

Conditions

1. SIA registered door staff will be employed at a ratio of 1:100 with a minimum of 2 on duty from 2300 hours until 30 minutes after closing, to assist with the orderly dispersal of customers. Door staff will wear hi-vis armbands whilst on duty.
2. Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.
3. All windows and external doors shall be kept closed between 23:00 hours and 08:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
4. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke after 23:00 hours, shall not be permitted to take drinks or glass containers with them.
5. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
6. There shall be a documented dispersal policy as agreed with the relevant responsible authorities implemented at the premises and a copy lodged with the Council's Licensing Unit.

LACHP/18/162. Application for a New Premises Licence for La Boca, 14b Turner Street, Manchester, M4 1DZ

The Applicant presented she was an experienced operator with a Masters Qualification; she owned a licensed premises in Monton which had been recognised

by CAMRA for the third year running; she took time to educate her staff and some had their own personal licences.

The proposed business premises was to be a small Spanish charcuterie and deli providing specialist produce to take home and a small place to share food and drink, (good quality wines, sherries and beers that work well with the produce; it would be an intimate environment in a space of fifty square feet with five tables providing thirty covers, (granted A3 usage by Planning Department). It is intended to be high-end produce, very niche and not aimed at 'bar hoppers' or the late night drinking market.

During the day, it was anticipated they would be on the premises from 1030 and opening at 1100 to serve coffee/croissants/sandwiches and transpose into the specialist food types, mainly cold food in a typical Andalusian style.

The Applicant understood the Buddhist Centre was an holistic centre for people and this was in fact one of the reasons she had been attracted to the area so that she herself could attend the Centre. She understood their anxiety and emphasised she respected her neighbours and wanted a good relationship with them; the last thing she wanted to do was impact negatively on the community.

Nuisance from Noise:

The Applicant had engaged with the Responsible Authorities and had sound-proofed the unit, installed a self-closing door, CCTV, incorporated delivery and collection services and operating hours in line with their recommendations.

The Applicant noted the common theme in relation to the representations was 'noise' from the venue and to this end she had even proposed an acoustic company but they had not been able to gain access to the Buddhist Centre due to the period of mourning.

Furthermore, the Applicant was convinced the noise did not travel as following a workman on the premises playing very loud music, (for which she apologised), she requested he turn it up to the maximum level and then visited the Shrine Room, (at the front of the Centre looking out on to Turner Street) and no noise could be heard.

The Applicant spoke with the receptionist, 'Kevin' and both put their ears to the wall; nothing could be heard.

Another lady at the Centre, 'Anita' had spoken of hearing music throughout the day. As they were not yet open, the Applicant did not see how it could emanate from the premises and she advised there was a dance studio at the rear of the premises and potentially there could have been music from passing cars.

There were representations by residents of loud and disruptive behaviour and fighting in the street. Again, the Applicant explained they were not open yet and so this could not be attributable to her premises.

The Applicant was therefore convinced that any music would not travel. She did not intend to have any live music or DJs, just low level background music and a food

culture experience whilst socialising including Ham Pairing evenings, Language Exchange evenings and a monthly Bodega, (Spanish Market).

When questioned, the Applicant confirmed there would be no outside seating and explained in her experience, when one offered really good produce and atmosphere, this was conducive to good behaviour and attracted well behaved people.

When questioned regarding managing the number of customers outside, the Applicant confirmed she had liaised with Claire Cunningham regarding this.

In respect of economic pressures, their overheads would be relatively low as they had purchased the building; there were no chefs and they intended to start with four part time members of staff.

Deliveries would be at the front of the building; there were minimal suppliers with a small range of deliveries.

Draft beer would be delivered but small kegs, (30 litres) which would be carried in.

The Committee was aware the main thrust of the objections had been the potential noise emanating from the premises by way of music and patrons gathering outside/leaving the premises.

The Committee gave due regard to the guidance provided in **s182 of the Licensing Act 2003** in particular paragraphs:

*2.15 It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. **The issues will mainly concern noise nuisance**, light pollution, noxious smells and litter.*

*2.17 **Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises.** This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). **Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community**, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.*

2.19 *Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. **In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.***

2.21 *Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. **However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night***

The Committee also gave regard to the **Statement of Licensing Policy**, in particular **Paragraph 7.26**:

7.26 *Where premises are in the direct vicinity of local residential properties, and where its discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance, such as:*

- *Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise*
- ***Prevention of noise disturbance from people entering and leaving the premises (eg. queue management, dispersal policy)***
- ***Prevention of disturbance by people outside the premises (eg.) smoking areas***
- *Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises)*
- *Disturbance caused by deliveries associated with licensable activities, including waste collection.*

The Committee was mindful of the nature of the premises neighbouring the Applicant's premises however, they were satisfied the Applicant had engaged with the local residents and Buddhist Centre staff and there was clearly a dialogue between them. The Applicant had also engaged with the Responsible Authorities without issue or contention.

Similarly, the Applicant had taken significant steps at considerable expense to address any potential noise issue by sound-proofing the premises and installing a self-closing door.

Given the positive attitude of the Applicant, the nature of the premises, operating

hours, the proposed products, clientele and size, along with the conditions agreed with the Responsible Authorities the Committee was satisfied that any issue concerning noise could be addressed by way of the agreed conditions and the additional ones listed above.

The Committee considered the implementation of a dispersal policy however, they were of the opinion this would be disproportionate to the size and anticipated number of customers at the venue.

In reaching its decision the Committee also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

Decision

To grant the licence subject to the conditions agreed with The Greater Manchester Police, Licensing Out Of Hours Team and Trading Standards and with the following additional conditions: -

Conditions

1. 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.
2. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
4. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.