

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 28 January 2019

Present: Councillor Stone – in the Chair

Councillors: Grimshaw and Lynch.

Also present: Councillors: Wills

LACHP/19/20. Urgent Business

Application for a New Premises Licence for The Crystal Maze, Stage 2, Old Granada Studios, Manchester, M3 4JP.

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 agreed terms and conditions.

Application for a New Premises Licence for Heaton Park Golf Course, Golf Pavilion, Heaton Park, Middleton Road, Manchester, M25 2SW.

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 agreed terms and conditions.

Application for a Premises Licence Variation for Wework, 1 Spinningfields, 19 Quay Street, Manchester, M3 3JE.

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 agreed terms and conditions.

Application for a New Premises Licence for Manchester Union Brewery, 96d North Western Street, Ardwick, Manchester, M12 6JL.

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 agreed terms and conditions.

LACHP/19/21. Application for a Premises Licence Variation for Bliss Club, Albion Wharf, 19 Albion Street, Manchester, M1 5LN.

The applicant requested that this matter be deferred, as their legal representative was not available on this date. In the interests of natural justice, the Committee agreed to defer the matter to a later date.

Decision

To defer the matter to 25 February 2019.

LACHP/19/22. Application for a Premises Licence Variation for 256 Wilmslow Rd, M14 6LB

The Committee heard from the applicant's representative that he had taken over the licence from Hydes brewery in 2017 and wanted to offer something more to the local area than just a student drinking venue. The applicant stated that they were offering more food and on a Sunday they served roast dinners and did 160 covers which was unheard of under the old management of the premises.

The Applicant confirmed that there was seating for around 180 people and that they were happy to keep the condition as to seating being provided for at least 40% capacity. Whilst there was no capacity stated on the licence the PLH agreed that the capacity was 400.

The Applicant also confirmed that they inherited the no glassware condition when the licence was transferred and would not want to alter this condition if it meant any additional risk to the premises, their staff or their customers. They wanted to offer something different for the premises and for people to be able to have a glass of wine with a meal for instance. They did however fully accept that the venue is in a student area and can be very busy in an evening during term time and that therefore polycarbonate would be appropriate for use after 2100 hours. They would therefore ensure that no glassware would be used after 2100 hours and that is why they only wanted the change until 2100 hours.

In relation to the door staff the applicant explained that previously, under the old management, the premise has closed out of term time however they wanted to keep it open all year to offer a venue local people could use as well as students. They stated they were however much quieter during this time and the current requirement to have two door staff on Sunday to Thursday was very costly and not usually necessary. They stated they would risk assess and have door staff if required.

The Committee heard evidence from the residents as to the concerns over the noise from the premises however it was confirmed to them that the variation was in relation to the conditions being amended and the effect of this and not a general review of the

premises. When asked about whether there was anything in the proposed new conditions that they believed would affect the issues of noise they confirmed that their main concern was with the polycarbonate being replaced with glassware.

In relation to the glassware issue the objectors were concerned that this would be introducing a hazard into a premises that sits within the Cumulative Impact policy area. They gave details of the issues with smashed glasses and litter in the area within which the premises is situated. They also referred to the fact there had been a previous glassing incident at the premises which is why the polycarbonate only glasses were introduced however did accept this was under the previous owners. Given the very high number of students in the area they were concerned that allowing glassware would cause issues at an extremely busy premises. Even if this was stopped at 2100 hours they were concerned that issues would arise during the day particular during student events and when some sporting events were shown when the premises would be very busy and people would be drinking all day.

There was also concerns as to the issues of litter currently outside the premises and that the proposed conditions did not go far enough. Their concerns were also that if there was glassware being used outside this could lead to smashed glass around the premises. All the objectors stated that smashed glass was a big issue in the area. The objecting Councillor also raised concerns as to how the glasses would be replaced with polycarbonate receptacles at 2100 hours in a busy venue.

The Committee heard from the residents that they had no faith in the operator as to the conditions being complied with however the Committee also heard that no communication had been made by them with the premises licence holder in over a year to raise any concerns with the premises. The premises licence holder also stated they had tried to meet with the objectors on a number of occasions to discuss the amendments and allay their fears however they had not wanted to meet. The objectors stated they had to take time off work to attend today and would not be able meet all the premises in the area every time. They also wanted it to be done formally before a Committee rather than agreements be made which may not be adhered to if agreed outside of Committee. The premises licence holder confirmed they wanted to work with the residents and wanted local residents to come to the premises. They are happy to discuss any concerns the residents have and address these. The premises licence holder also stated they had installed a new sound system with a limiter which cannot be bypassed by DJs.

The Committee also considered the written representations of the objectors not in attendance which raised similar issues to those objectors in attendance. In relation to those relevant to the variation application the main concerns were with the replacement of the door staff condition out of term time and the proposed condition allowing glassware and the problem of litter in the area.

The Committee considered that the Cumulative Impact Policy was engaged as this was more than just a minor variation. They did however agree that this was only a variation to the conditions and was not proposing to extend hours or add further licensable activities which is what the policy, in the main, was aimed at in relation to variations.

The Committee did not believe that the replacement of the current conditions on the licence with the updated operating schedule, as amended by the Committee, would add to the cumulative impact in the area if some further conditions were also added. The Committee were also of the view that some of the new conditions would in fact better protect the local residents than those already on the licence by adding conditions in relation to noise and litter which were not on the current licence.

The Committee considered that the use of glassware before 2100 hours would not add to the impact in the area if sufficient controls were put in place and the applicant operated the premises in a responsible manner. The committee therefore found that it was appropriate to allow the replacement to the conditions to allow glassware before 2100 however viewed that this would only uphold the licensing objectives if further conditions were added to the licence to control this use of glassware at the premises. This included conditions that the tables be regularly cleared of glassware, that no glassware to be taken outside of the premises into the beer garden areas and that polycarbonate also be used on a day when high risk sporting events are taking place.

In relation to the proposed new door staff condition, out of term time, the Committee were of view that this could add to the cumulative impact already experienced in the area by allowing no door staff. Given the nature of the area and the premises themselves the Committee were of the view that there needed to remain door staff at the premises each night after 2100 hours however accepted that this could be reduced from a minimum of two to one out of term time from Sunday to Thursday. The Committee also accepted that the PLH would employ door staff appropriately on a risk based analysis at all other times.

The Committee also accepted the comments of the premises licence holder that the fact GMP did not object to the glassware being introduced meant they did not have any concerns it would undermine crime and disorder. The premises licence holder has also confirmed they are in regular contact with the GMP licensing officer and could agree dates when glassware should not be used such as when high risk sporting events like local Derby football matches being shown at the premises.

The Committee therefore concluded that the variation, as amended, could be granted and would not undermine the licensing objectives.

Decision

The variation application was granted subject to amendments to the conditions in the proposed operating schedule and subject to the conditions agreed with LOOH, as amended, and the further conditions added by the Committee.

The conditions in Annex 2 and 3 on the current licence will therefore be replaced by the below conditions:

Conditions

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.

2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. During University term time, door staff shall be employed at the premises from 21:00 until close at a ratio of 1:100 subject to a minimum of 3 door staff on Fridays and Saturdays and a minimum of 2 door staff Sunday to Thursday.
6. Out of University term time, door staff shall be employed at the premises from 21:00 until close subject to a minimum of 2 door staff on Fridays and Saturdays and a minimum of 1 door staff Sunday to Thursday. At all other times, door staff shall be employed in accordance with a risk assessment to be carried out by the premises licence holder or designated premises supervisor.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - (i) the number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the times the door staff are on duty.
8. When employed, one member of door staff shall be allocated responsibility for regularly monitoring the bar in order to assist bar staff with refusals to serve alcohol when necessary.
9. Polycarbonate, or other such safety glass as agreed with the police, shall be in use at the premises on the day of any sporting event shown at the premises that is agreed as being high risk with the police, and in any case from 21:00 daily. At all other times, the premises licence holder or designated premises supervisor shall undertake a continued risk assessment in terms of the use of polycarbonate or other such safety glass and implement its use where deemed appropriate.
10. The designated premises supervisor or nominated member of staff will regularly attend, and fully support the local Pubwatch or similar scheme whilst ever in operation.
11. No persons carrying open or sealed containers of alcohol shall be admitted to the premises except from the beer garden area.

12. No persons shall be permitted to remove open containers of alcohol from the premises except to the beer garden area.
13. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives and the laws in relation to under age sales and the sale of alcohol to intoxicated persons. That training shall be documented and repeated at 6 monthly intervals.
14. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
15. There must be seating provided in the premises for 40% of the capacity. The capacity being at 400 people.
16. A first aid box will be available at the premises at all times
17. Regular safety checks shall be carried out by staff.
18. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
19. The premises shall maintain public liability insurance.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
 - a. all crimes reported;
 - b. any complaints received;
 - c. any ejections;
 - d. any incidents of disorder;
 - e. seizure of drugs or offensive weapons;
 - f. any faults in the CCTV system;
 - g. any visit by a responsible authority or emergency service.
21. Whenever the premises is open, a member or members of staff will be allocated responsibility to monitor the premises and customer activity and report to management and/or door supervisors (when employed) any concerns in respect of suspicious behaviour; levels of drunkenness; customers whose behaviour could potentially lead to concerns in respect of crime and disorder; unattended property; collection of glassware; localised overcrowding; toilets; entry and exit points and trip/slip hazards. The member or members of staff allocated such responsibility shall complete a record of any concerns reported at the end of each day.
22. The beer garden area shall cease to be used at midnight, with the exception of a designated smoking area. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

23. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. The exterior of the building shall be cleared of litter at regular intervals during trading hours.
26. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
27. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
28. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
29. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.
30. There shall be no music played at the premises on Sundays between the hours of 10:00 and 12:00.
31. A direct telephone number for the designated premises supervisor shall be made publically available at all times that the premises is open.
32. Notices shall be prominently displayed in any area used for smoking, requesting that patrons respect the needs of local residents and use the area quietly.
33. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public. Regular inspections of these areas shall be made with at least 4 inspections to be undertaken during the hours the premises are open to the public and then at the close of the premises. A log of these litter inspections shall be maintained at the premises, and made available to an officer of a responsible authority upon request.
34. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
35. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The

training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.

36. Notices advising what forms of ID are acceptable must be displayed.
37. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.
38. The premises shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.
39. No glassware shall be taken into the external areas of the premises, including into the beer garden, at any time. Only polycarbonate, or other such safety glass as agreed with the police, shall be used in the external areas of the premises.
40. The designated premises supervisor or nominated member of staff shall maintain a log at the premises to confirm that all glassware is no longer in use at the premises from 2100 hours each day. This log shall be made available to an officer of a responsible authority upon request.