

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 20 May 2019**

**Present:** Councillor Grimshaw (Chair)

**Councillors:** Jeavons and T Judge

**LACHP/19/84.      Urgent Business**

**Application for a New Premises Licence for Cityco, Third Floor, Lloyds House, 18-22 Lloyd Street, Manchester, M2 5WA.**

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 Co-op, Units 1-3 Smiths Yard, 43 Blossom Street, Manchester, M4 6AJ.**

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 Street Urchin, Unit 2, Astley Building, 72 Great Ancoats Street, Manchester, M4 5BG.**

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/19/85.      Application for a New Premises Licence for Campfield Market Hall, Campfield Avenue Arcade, M3 4FH - For Manchester International Festival (from 24/06/2019 to 22/07/2019)**

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/19/86.      Application for a New Premises Licence for Kids Palace Ltd,  
3 Keymer Street, Manchester, M11 3FY.**

The Committee was advised that the Application was made with a view to providing a venue to support and enhance community activities and one that was affordable to hire for such purposes.

The Committee was advised that a TEN had taken place in December 2018 and that there had been no complaints arising out of the event.

As a consequence, the Applicant stated that they wished to apply for a licence which would allow for licensable activities to be provided all year round without the need to resort to applying each time for a TEN to support an event.

The DPS indicated that she had received licensing training and that she would be responsible for personally providing training to three other members of staff.

An indication was given to the Committee that, should the licence be granted, security at the venue would be overseen by communities / organisations responsible for hiring the premises.

Whilst the premises did encourage family participation at such events the committee was advised that children would not be allowed into areas where alcohol was being served.

It also stated that noise levels would be kept to a minimum to respect residents peace and enjoyment of their neighbourhood .

Furthermore, the DPS indicated that the premises would look to avoid holding events at times when there was a clash with other attractions in the locality eg football matches at the Etihad Stadium.

In addition, the premises offered to amend the terminal hour for all licensable activities to 1am.

**Summary of GMP evidence**

GMP stated that the Application was vague and did not instil confidence that the premises would be capable of upholding the licensing objectives.

It was suggested that the DPS did not possess the experience to manage the premises effectively and concerns were expressed about who would be running the premises in the absence of the DPS and whether such staff had received appropriate training.

Whilst the premises indicated an intention to provide CCTV footage if requested, GMP stated that, in their view, this may not always be possible given that it was controlled by the landlord.

Concern was also expressed that, if the licence was granted, the premises could be sold on without appropriate safeguards in place to uphold the licensing objectives.

Trading Standards were concerned about the Protection of Children licensing objective at the premises without suitable conditions being added to the licence.

There appeared to be no age challenge policy in place or any evidence to suggest that the premises would keep a refusals log to monitor persons who were refused sales of alcohol.

### **Summary of Licensing Authority's Evidence**

Committee was advised that there appeared to be a lack of direction as to how the premises would be managed and controlled.

The Committee was referred to its own Licensing Policy and reminded of the operating standards that were to be expected of licensable establishments within the City.

An isolated TEN event without complaint should not be taken to assume that the premises would be capable of upholding the licensing objectives, if a licence was granted.

It was stated that no contingencies had been put in place to uphold the licensing objectives in the event that major attractions were taking place in the locality at the same time.

### **Summary of Ward Councillor Evidence**

Particular concern was expressed about dispersal of patrons after an event had taken place at the premises and how this would be managed.

It was suggested to the Committee that there was very little road space available for taxis in the surrounding areas and that this could result in noise nuisance for neighbouring residents.

In addition, the regeneration of the area could exacerbate problems for the premises in upholding the licensing objectives, unless managed and controlled effectively.

The Committee was not satisfied that the Applicant would be capable of upholding the licensing objectives.

It had not demonstrated in its application how it proposed to take the necessary steps to meet such objectives.

In addition, the Committee felt that the Applicant /DPS did not have the necessary experience or be able to guarantee that staff were trained appropriately to safeguard the Committee's concerns that the premises would be well run .

The Committee was concerned that the DPS / Premises appeared to absolve its responsibility for ensuring that the premises would provide accredited doorstaff when functions were to be held at the premises.

It also noted its own licensing policy and was not satisfied that the premises would be capable of adhering to the standards identified in the policy.

In arriving at its decision the Committee also took into account the licensing objectives, Licensing Act 2003 and the s182 guidance relevant to such matters.

### **Decision**

To refuse to grant the application.

#### **LACHP/19/87.      Application for a New Premises Licence for Vibes Bar and Restaurant, 414-416 Wilbraham Road, Manchester, M21 0SD.**

The Committee was advised by the Applicant that conditions had been agreed with all the Responsible Authorities.

Furthermore, it was made clear to the Committee that there had been subsequent agreement reached with the outstanding objector, a nearby resident, to adhere to the conditions that had been requested.

### **Decision**

To grant the Application subject to all the conditions agreed with responsible authorities / resident.

#### **LACHP/19/88.      Application for a Premises Licence Variation for Victoria Inn,196 Burnage Lane M19 1FL.**

The Committee was advised that this was a simple application to extend the hours for licensable activities and revoke / amend conditions on the licence that were now inappropriate.

The Applicant accepted that there had been a breakdown in the relationship between the premises and the licensing out of hours team but had sought to rectify matters and move forward constructively.

The Applicant accepted that there had been breaches of the existing licence but claimed that this had occurred following a misunderstanding by the landlord as to the extent of restrictions placed upon the licence , most notably the hours relating to the sale of alcohol.

The Applicant recognised that the Application was deficient in many ways and was not robust enough to satisfy concerns of the Licensing Authority that the licensing objectives would be upheld. To this end, Committee was advised that it would be entirely appropriate for conditions to be added to the licence, should the variation be granted.

The Committee was advised that LOOH endeavour to work closely with licensing establishments to ensure that such premises are managed effectively to ensure compliance with the licensing legislation.

However, in this instance, the Committee was advised that engagement with the Landlord had been difficult and the view was expressed that there had been hostility when officers had been trying to carry out their responsibilities when inspecting the premises.

It was explained that their main concern was Public Nuisance emanating from the premises and the Committee was referred to its own licensing policy and the standards identified to prevent such nuisance.

The Committee was advised that the Premises had breached the licence on more than one occasion and had failed to take appropriate steps to ensure compliance.

It was explained that there had been complaints received from nearby residents over the past 12 months and that despite efforts to engage the premises had been unwilling to meet with the officers.

Eventually, when a meeting was arranged in October 2018 it was apparent that a number of steps had been discussed to progress matters but unfortunately such steps had not been actioned.

The Committee was satisfied that the additional conditions agreed with the responsible authorities would suffice in ensuring that the licensing objectives were not undermined.

It was satisfied that there had been a breakdown in communications between the premises and the responsible authorities but accepted that the premises was generally a well-run public house for the benefit of the community.

The Committee accepted the explanation given that there had been a genuine misunderstanding as to the licensable hours that were in operation under the current licence but nevertheless recognised that the premises should do more and be more aware of its responsibilities to uphold the licensing objectives. To this end, they expected the premises to work more closely and co-operate with the responsible authorities to ensure such compliance.

In arriving at its decision the Committee took into account the Licensing Act 2003, s182 guidance, licensing objectives and its own licensing policy.

## **Decision**

To grant the application subject to the dispersal policy and conditions detailed below:-

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## **Victoria Inn 196 Burnage Road**

### **Dispersal Policy**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.

This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of alcohol sold for consumption in any external area or in the case of alcohol sold for the purpose of consumption off the premises).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.
6. The premises will enter into an agreement with a hackney carriage provider and/or private hire firm to provide transport for customers, with contact numbers available to customers, who will be encouraged to use such services. A call back system must be operated and drivers instructed not to sound their horns when collecting customers.
7. A direct telephone number for the manager of the premises shall be publicly available at all time the premises is open for licensable activities.

### **Prevention of Crime and Disorder**

#### **CCTV Installation**

- (a) A CCTV system shall be installed and maintained at the premises. CCTV cameras will cover, as a minimum, the entrance and exit to the premises and any bar area. CCTV footage will be capable of being stored for a minimum of 31 days and downloaded onto a portable device, such as memory stick or DVD. Where requested in relation to the investigation of a criminal offence, CCTV footage will be made available to a police officer within such timeframe as agreed.
- (b) The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

### **Prevention of Public Nuisance**

- (a) No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
- (b) Music levels will be maintained at the premises such as they do not disturb residents either above or in the immediate vicinity of the premises.
- (c) Smokers outside the premises will be monitored to ensure that as far as practicable they are not causing a disturbance
- (d) A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all amplified music played at the premises must pass through this sound limiter at a level agreed by the Council's Licensing out of Hours section. The noise limiter shall not be altered without prior agreement with the Council's Licensing out of Hours section.

### **Protection of Children from Harm**

- (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers.

- (b) A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised officer of the Council or the Police. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.