

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Tuesday, 28 May 2019**

**Present:** Councillor Ludford (Chair)

**Councillors:** Grimshaw and McHale

**Also present:** Councillors: Reid

**LACHP/19/89. Urgent Business**

**Application for a Premises Licence Variation for Edinburgh Castle, 17 Blossom Street, Manchester, M4 5EP.**

The Committee heard 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 terms and conditions agreed between the parties.

**LACHP/19/90. Application for a New Premises Licence for Azzurri Hairstylists, Unit 3, Abbey House, 9a Cooper Street, Manchester, M2 2FW.**

The Applicant confirmed they were willing to put forward an amendment to the application to reduce the area for which they were applying for the licence to only the ground floor and not the first floor as per the original application and plans submitted.

The Committee heard from the applicant that they were also willing to reduce the hours to fall into line with the operating hours for the barbers. The applicant also stated they agreed it would not be suitable to allow drinking outside and that they would like to put in place a challenge 25 policy as suggested by Trading Standards.

After being questioned on a number of matters by the Responsible Authorities and the Committee members it became clear that the applicant had made some errors in submitting the application however that he had a good understanding of the licensing objectives and was willing to agree to a number of conditions to satisfy the concerns of the objectors.

The applicant also confirmed that the supply of alcohol would only be ancillary to the service they offered as a barbers and they would be willing to have a condition on the licence confirming the same.

Having heard from and then questioned the applicant each of the Responsible Authorities then confirmed that they would now be in agreement to the application being granted with the reduced hours put forward and further conditions added to the licence.

Taking all of the representations into account the Committee were satisfied that the licensing objectives' would be upheld if the licence was granted with the reduced hours and additional conditions agreed at Committee.

### **Decision**

To grant the application for the ground floor area of the premises only and subject to the amended hours and additional conditions agreed with the responsibility authorities at the hearing.

Hours for the supply of alcohol for consumption on the premises only:

- Monday to Friday 0900 to 1900
- Saturday 0900 to 1700

### **Conditions:**

1. The premises shall install and maintain a CCTV system.
2. No alcohol shall be taken outside the premises or be consumed in the outside areas of the premises.
3. The supply of alcohol shall only be to customers receiving a treatment and any person or persons accompanying them.
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 is open to the public.
6. 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.
7. 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, enter sales correctly on the tills so the prompts show as appropriate 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.

### **LACHP/19/91. Application for a Premises Licence Variation for Mega Save, 205 Lees Street, Manchester, M18 8GA**

The Applicant failed to attend the hearing and the Committee decided to proceed in their absence. It was confirmed that the Applicant was aware of the hearing date.

The Committee heard from GMP and LOOH as to their concerns that the vast increase in hours from 11pm to 4am every night of the week, particularly with the use

of a hatch after 11pm, was likely to lead to issue of public nuisance and the potential for crime and disorder with antisocial behaviour.

The Committee also accepted the concerns of the local councillors as to the potential for public nuisance and crime and disorder if the variation was granted.

The Committee agreed that the use of the hatch to such a late hour would likely lead to congregation of customers around the area and cause a disturbance to local residents

The Committee also agreed that the application had failed to sufficiently address how the licensing objectives would be upheld and the lack of information or additional suitable conditions put forward in the variation suggested the applicant did not fully understand the licensing objectives or how these would be promoted with the variation requested. Further because the Applicant had failed to attend the hearing they were unable to ask any questions or have any further information provided as to how the premises intended to operate, during the additional hours applied for, and ensure the licensing objectives were upheld. Neither was the applicant able to confirm to the Committee that they were aware of the current issues in the area and how they would address these issues when requesting to operate until 4am each day.

### **Decision**

To refuse to grant the application.

### **LACHP/19/92. Application for a New Premises Licence for Wilderness Records, 9 Egerton Crescent, Manchester, M20 4PN.**

The Committee heard from the applicant as to their experience, the nature of the intended business and the other premises they operate in city centre. The Committee were informed that agreement had now been reached with LOOH and the Withington Civic Society following a meeting where the applicant had explained the concept of the business and how they intend to operate. The Committee were also informed that the two outstanding objectors had attended the meeting and the applicant had kept them updated on any agreements reached. The remaining objectors were not in attendance at the hearing.

The Committee also heard from a local councillor in support of the application who confirmed he had also received a number of emails from local residents that supported the premises. Letters of support from the local MP and other residents were also provided to the Committee by the applicant.

The Committee accepted the comments by the applicant that the supply of alcohol was ancillary to the sale of records which continues to be the primary use of the premises and that there would be a small selection of alcohol on sale with food and other non-alcoholic beverages. The committee also took into account the modest hours applied for and were satisfied this premises was not going to become a vertical drinking establishment.

The Committee considered the Withington Stress Area policy and were satisfied that as this premises would not operate as alcohol led and closed at 10pm they would not be departing from the policy by granting the application.

The Committee carefully considered the written representations from the resident objectors who were not in attendance. The Committee were of the view that with the nature of the business intending to operate at the premises and the conditions offered both in the operating schedule and agreed with LOOH these concerns had been appropriately addressed.

The Committee were satisfied that the applicant was an experienced operator and would be putting sufficient systems in place to ensure that the premises, with the additional conditions, would not undermine the licensing objectives.

### **Decision**

To grant the application subject to the additional conditions agreed with Licensing and Out of Hours

### **Conditions:**

1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff (when employed) regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.
8. The external area shall be cleared of customers by no later than 9.30pm daily.

Condition 18 in relation to the smoking policy will be removed from the schedule of conditions proposed by the applicant as this has been addressed in the conditions above.