

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 14 October 2019**

**Present:** Councillor Grimshaw – in the Chair

**Councillors:** Grimshaw, Lynch and Stone

**Also present:** Councillors: Ludford

#### **LACHP/20/175. Urgent Business**

The Chair agreed to the submission of the following items of urgent business, for which agreements had subsequently been reached with the Responsible Authorities and could therefore be treated as determinations:

- New Premises Licence – The Avenue North, Spinningfields, Manchester, M3 3BT
- New Premises Licence – The Leonardo Hotel, Adair St, Manchester M1 2NQ
- New Premises Licence – Oxford Road Pop Up, 332 -338 Oxford Road, M13 9NG
- New Premises Licence – The Drop, 356 Barlow Moor Rd, Manchester M21 8AZ

#### **LACHP/20/176. Application for a New Premises Licence - Cape Coast Restaurant, 798 Ashton New Road, Manchester, M11 4RY**

The Committee considered an application for a new premises license for the above and considered all of the representations as part of the hearing. In reaching its decision the Committee also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under, 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 the Responsible Authorities who had made representations with regard to reduced operating hours. There had also been written representations submitted by Councillors McHale and Harland placed before the Committee. Councillor Ludford attended the hearing as their representative and confirmed that having been made aware of the amended and reduced hours, Councillors Hale and Harland no longer had any objections or representations in respect of the grant of the licence. The matter was therefore treated as a determination.

#### **Decision**

To grant the application subject to the following amended operating hours of:

Monday – Thursday	1200 – 2300
Friday and Saturday	1200 – 0030
Sunday	1200 – 2330

(and the listed seasonal variations)

**LACHP/20/177. Determination: New Premises Licence - The Avenue North, Spinningfields, Manchester, M3 3BT**

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

**Decision**

To grant the application for a new premises licence subject to the following additional conditions:

**Licensing & Out of Hours Compliance:**

- Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by licensed door supervisors to ensure that there is no public nuisance or obstruction to the public highway.
- Outside tables and chairs shall be removed from the Avenue North by 22.00 hours each day.
- Drinks consumed in the outside area of the premises shall only be consumed by patrons seated at tables.
- All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
- The premises licence and/or Designated Premises Supervisor (DPS) shall carry out reviews of security incidents at the premises. Such reviews shall be documented and conducted at least quarterly and include details of any remedial action identified and implemented. Copies of the security review shall be made available upon inspection by a responsible authority, police officer, or authorised officer.
- The Nitenet radio link shall be operated from 22:00 hours until the premises have closed. The radio shall be kept in good working order, operated by a responsible member of staff and used to report incidents of crime and disorder to the CCTV control room and other radio users.

**LACHP/20/178. Determination - New Premises Licence - The Leonardo Hotel (Jury's Inn), Adair St, Manchester M1 2NQ**

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. In reaching its decision the Committee also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under, the

Guidance issued by the Secretary of State under Section 182 of that Act and the Licensing Objectives.

## **Decision**

To grant the application for a new premises licence subject to the following additional conditions:

Licensing & Out of Hours Compliance:

- Speakers shall not be located/operated in the entrance lobby or outside the premise.
- The reception shall be manned 24 hours a day and admission to the premises shall be monitored and controlled.
- Except for access and egress premise windows and doors to be kept closed after 23:00.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- Staff shall monitor customers smoking outside the premise on a regular basis and ensure patrons do not cause public nuisance.
- A specific taxi operator shall be nominated for staff and customers use. The company's telephone number shall be advertised to customers. The operator, and all drivers, shall be aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines running unnecessarily.
- The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises is open to the public and dedicated litter pickers shall patrol the area at closing time.
- A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
- The premises shall maintain an Incident Log.
- A first aid box will be available at the premises at all times.
- A Dispersal and Smoking Policy will be implemented and adhered to.
- The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.
- External areas shall cease to be used for drinking and dining at midnight daily.
- Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.
- Whenever any part of the premises offer licensable activities beyond 0100 to persons who are not hotel residents or their bona fide guests, SIA registered door staff shall be employed in that part(s) of the premises at a ratio of 1:100 persons from 2200 until such time as licensable activities cease to be offered to those persons.
- Open containers of alcohol shall not be removed from the premises except for any external delineated areas.

**LACHP/20/179. Determination: New Premises Licence - Oxford Road Pop Up, 332 -338 Oxford Road, M13 9NG**

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

### **Decision**

To grant the application for a new premises licence subject to the following additional conditions:

#### **Greater Manchester Police:**

- Alcohol sales do not commence before 0800 hours each morning, which is in keeping with other premises in the area.

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

- The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
- Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

#### **LACHP/20/180. Determination: New Premises Licence - The Drop, 356 Barlow Moor Road, Manchester M21 8AZ**

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

### **Decision**

To grant the application for a new premises licence subject to the following additional conditions:

#### **Greater Manchester Police:**

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.

### **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 license, a HM Forces warrant card, or a card bearing the PASS hologram
2. 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.
3. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage 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 in into practise
4. 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.
  5. The premises shall display signage at the point of sale indicating it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18 (similar condition to one proposed by GMP - condition 4)

**Licensing & Out of Hours Compliance:**

1. Speakers shall not be located/operated outside the premises.
2. Staff shall monitor customers outside the premises on a regular basis and ensure patrons do not cause a public nuisance

**Ward Member:**

Agreements have been reached between the applicants and ward member to reduce the operating hours to those stated in the proposed hours to be granted.

**Residents:**

Agreements have been reached between the residents and the applicant to reduce the operating hours in line with other licensed premises in the area, as per the agreement reached with the Ward member.

The following conditions have also been agreed with Resident 2:

- The external area of the premises will not be used after 10pm
- Music will not be played external of the premises.