

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 1 June 2020

Councillors: Grimshaw, Andrews and Hassan

LACHP/20/54. New Premises Licence - The Progress Centre, Charlton Place, Manchester, M12 6HS - determination

The Hearing Panel noted that the application was agreed by all parties prior to the meeting and was therefore treated as a determination.

In reaching its decision the Panel 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 agreement reached between the applicant and the Licensing Out Of Hours (LOOH) Team.

LACHP/20/55. New Premises Licence - Assembly, Ground Floor, 100 Barbirolli Square, Manchester, M2 3WS

Consideration was given to a report of the Director of Planning, Building Control and Licensing regarding an application for a New Premises Licence.

The Hearing Panel considered the written papers, oral representations of all parties as well as the relevant legislation, case law and Guidance.

The Hearing Panel were informed that the original application had echoed the licence previously held at the premises which had lapsed in 2017. However, taking resident's concerns into account, the applicant had amended the application to reduce the hours for licensable activities and the opening time.

The Hearing Panel were further informed that the applicant had also proposed closing the outside area except for smokers at 22:00 and intended to use the premises as both a bar and restaurant and anticipated a 50/50 split between both aspects of the business. It was also stated that the applicant was spending a significant sum on refurbishing the business, a notable portion of which was being spent on sound proofing the premises.

With regard to sound disturbance, the applicant stated that the premises were not intended to be a nightclub, having no dance floor anywhere on the premises. Any

music would be to enhance customers eating and drinking experience and at a level whereby patrons could comfortably hold a conversation. They did however wish for some licensable activities on the licence for occasional events.

The Hearing Panel were made aware of resident's concerns about noise breakout from the premises, particularly from patrons outside the premises using the outside space and with regard to the entry and egress of patrons. Residents pointed out that Chepstow House is a listed building and stated that the windows cannot be double glazed. Residents were also concerned about public safety given the proximity of the premises and in particular the outside area to the canal.

The Hearing Panel was referred by the applicant to the case of *R v Liverpool Crown Court ex parte Luxury Leisure* (1998) and to the finding that if the perception of the public were founded on demonstrable misunderstanding of the true factual position or otherwise are based on an uninformed gut reaction then they should carry no weight. In reference to the above, the applicant felt that the residents had misunderstood the nature of the business. The residents countered that, as the premises had applied for music and dance to be included on the licence, they had not made their objections on the basis of being misinformed but to the application as had been requested.

The Hearing Panel was also informed that the outside area had not yet received planning permission and the dimensions and safety concerns would be taken into account in designing this area and obtaining planning permission from the Council. The applicant also confirmed that there would be no speakers placed in the external area.

In their deliberations The Hearing Panel considered that the hours as amended were not excessive for an operation of this nature in this area. Consideration was given to the content of the acoustic report and planning which was to be complied with before the premises can operate. The Hearing Panel felt satisfied that the operator was putting into place suitable measures and that the applicant was a responsible operator who would manage the premises in compliance with the terms of the licence. The Hearing Panel was therefore satisfied that it was appropriate to grant the licence on these terms (and with amendments) and that this would not undermine the licensing objectives.

Decision

To grant the application subject to the amendment of the hours as set out below.

Termination of licensable activities:

Sunday to Thursday: 23:15

Friday/Saturday: 00:15

Closure of premises:

Sunday to Thursday: 23:30

Friday/Saturday: 00:30

Use of the outside area for eating and drinking to cease at 22:00 with all movable furniture to be put away. This area to be used for smoking only after 22:00.

The following additional conditions were also imposed by the Hearing Panel:

1. At the end of trading each day the area immediately surrounding the premises shall be cleared of litter and the area shall be inspected and kept clear of litter throughout the trading hours as required.
2. Disposal of bottles and cans not to take place outside the hours of 10:00 - 21:00.
3. A direct number for the DPS or manager of the premises to be made available to the Residents Association.
4. The DPS or manager to attend resident's meetings once a quarter if invited.