

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 6 September 2021

Present: Councillor Grimshaw – in the Chair

Councillors: Evans and Jeavons

LACHP/21/123. Application for a New Premises Licence - Burger Base, 587b Stockport Road, Manchester, M13 0RX - determination

The Hearing Panel noted that the application had been agreed by all parties prior to the meeting. The matter 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 agreed conditions.

LACHP/21/124. Application for a New Premises Licence - 60 Oldham Street, Manchester, M4 1LE

The Hearing Panel considered a report of the Head of Planning, Building Control and Licensing regarding an application for a new premises licence. The hearing Panel noted that agreements had been reached with the Responsible Authorities, however local residents had submitted representations to the application, some of whom attended the hearing.

The Applicant advised the Hearing Panel that the venue would be a cocktail bar playing background music on the ground floor and the basement will be a space to host events. He advised the Hearing Panel he had agreed conditions with Greater Manchester Police (GMP) and the Licensing and Out of Hours Team. (LOOH)

The Applicant told the Hearing Panel that he too was a resident on Oldham Street and therefore had a 'vested interest' in ensuring that the premises did not affect the residents in anyway. He advised the Hearing Panel he was a responsible operator with a premises on the opposite side of the street which he has run for the last 3 years. He also explained that the main nights he intends to operate his business on are Thursday, Friday and Saturday evenings however he wants the flexibility of a licence for 7 days a week so he can meet demand, if required.

The Applicant told the Hearing Panel he had commissioned an acoustic report to address the issue of any noise outbreak from the premises. He confirmed that any findings presented in the report, he would adhere to. The Hearing Panel was advised that the report will address the issue of vibration and noise. The Applicant further told

the Hearing Panel that he had employed 'Mason Sounds' to carry out the findings of the acoustic report. In addition, the Applicant told the Hearing Panel that he was also paying for acoustic panelling to be fitted at the premises to avoid noise transmitting through to the resident's properties. The Applicant during questioning confirmed that he had no objections to a noise limiter condition being imposed on the licence to address the concerns raised by the residents regarding noise outbreak from amplified music.

The Hearing Panel then heard from local residents. In essence the main concerns for the residents are the noise outbreak from the property into their flats from the premises, the proposed terminal hour and the effect this will have on them getting a good night's sleep.

A local resident submitted that there was not enough information provided about how the noise will be controlled and raised a concern about the late hours applied for during the week. He submitted that the late hours during the week will affect residents' sleep.

Another local resident, raised a concern that he would lose his tenant if the application was granted. He submitted that there were more than enough premises on the street already. He told the Hearing Panel he was concerned that the business could provide club nights 7 days a week depending on the demand.

A local resident advised the Hearing Panel the premises had previously been a Toni and Guy academy and raised the issue of planning consent. He questioned how it could now be turned into a licensed premises. The Applicant confirmed during questioning he had submitted a planning application to 'change the use' of the premises.

In reaching its decision the Hearing Panel also have 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.

The Hearing Panel reminded themselves that 'demand' isn't a consideration for them when determining such an application. In addition, the issue raised about planning by a local resident about the 'change of use of the premises' will also not be a consideration by this Hearing Panel and would be dealt with through the planning process.

The Hearing Panel was satisfied that the Applicant was a responsible operator and had clearly got experience in the industry. This was taken into account when considering the application.

The Hearing Panel understand the fears and concerns the residents have about this application, in particular about noise outbreak from the premises, however the Hearing Panel has considered in detail the conditions put forward by the Applicant in his operating schedule, and the conditions agreed with Licensing Out Of Hours team and GMP and were consequently satisfied that the licensing objectives will be upheld by the imposition of such conditions.

Decision

To grant the application with the following hours and conditions set out below:
The licensable activities:

Provision of regulated entertainment
Mon to Sun- 11am to 3am

Provision of late-night refreshment
Mon to Sun- 11am to 3am

The supply of alcohol for consumption on the premises only:

Mon to Sun- 11am to 2.30am

Opening Hours

Mon to Sun 11am to 3.00am

Conditions:

1. Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises.
2. The premises licence holder shall ensure that the provision of door supervisors at the premises is appropriate to ensure the safe control of the premises and shall review this on a regular basis and upon request from GMP.
3. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.
4. 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.
5. All door supervisors shall be briefed on their responsibilities & relevant company operating procedures before they commence duty.
6. All staff shall be briefed and be aware of their responsibilities & relevant company operating procedures before they commence paid duty at the premises.
7. All firefighting equipment is inspected and serviced in line with the appropriate British Standard.
8. All external fire exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
9. All staff on duty at the premises shall be trained in the Fire Safety and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
10. All windows and external doors shall be kept closed between 23:00 and 03:00, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

11. Speakers shall not be located/operated in the entrance lobby or outside the premises.
12. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
13. Patrons permitted to temporarily leave and then re-enter the premises, eg. to smoke, shall not be permitted to take drinks or glass containers with them N/A Applicant
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. The premises shall display prominent signage indicating at any point of sale that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
16. The Challenge 21 scheme shall be operated to ensure that any person who appears to be under the age of 21 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.
17. No events solely for those under the age of 18 will be permitted on the premises.
18. No persons under 18 shall be permitted on the premises at any time that adult entertainment is provided at the premises.
19. 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.
20. SIA registered door staff shall be provided at a ratio of 1:100 from 2200hrs until 30 minutes after closing to assist with the orderly dispersal of customers. At all other time the requirement for door staff shall be risk assessed. Whilst on duty door staff shall wear high visibility arm bands.
21. At least one member of SIA registered door staff positioned at the entrance shall wear and operate a body cam, The body cam shall be used to capture all incidents of crime and/or disorder and footage shall be stored for a minimum of 28 days and made available to Police and relevant authorities upon request.
22. SIA door staff shall actively monitor the smoking area and queues.
23. The NiteNet radio system shall be operated at the premises from 2200hrs each day. The management of the premises will ensure that the radio is switched on and working each day.
24. 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.
25. 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.
 26. All staff shall be trained in:
 - a) recognising signs of drunkenness;
 - b) how to refuse service;
 - c) the conditions in force under this licence.
 27. 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.
 28. A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of Manchester City Council at all times while the premises are open.
 29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
 30. At any time, music on the ground floor shall be kept at background level only.
 31. While live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by a police officer or an authorised officer of Manchester City Council.
 32. Live performances shall be conducted only in the basement and No on any day live performances shall terminate at midnight.
 33. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.
 34. There shall be a documented smoking policy, as agreed with the Manchester City Council Environmental Health section, implemented at the premises and a copy lodged with the Council's Licensing Unit.
 35. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
 36. At the end of each trading day, the pavement from the building line to the kerb edge immediately outside the premises shall be swept and sweepings collected and stored in accordance with the approved waste storage arrangements.
 37. There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Council's Licensing Unit.
 38. No entertainment, performance, service or exhibition involving nudity or sexual stimulation that would come within the definition of a sex establishment in

Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 shall be provided.

39. 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 Environmental Health section. The noise limiter shall not be altered without prior agreement with the Council's Environmental Health section.