

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 17 January 2022

Present: Councillor Andrews – in the Chair

Councillors: Connolly and Evans

LACHP/21/3.Urgent Business - Temporary Event Notice - Beehouse, Deansgate Locks, Whitworth Street West, M1 5LH

This item was withdrawn as the application was agreed by all parties prior to the meeting.

LACHP/21/4.Application for a New Premises Licence - Fireaway, 266 Wilmslow Road, Manchester, M14 6JR

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

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

The Applicant's Legal Representative addressed the Hearing Panel with reference to the premises falling within the Cumulative Impact Policy area. He made reference to there being no complaints concerning litter and just one in connection with noise emanation from building work. In respect of the representation made by the Licensing Out of Hours (LOOH) team concerning an alleged breach of licensing conditions arising from an unannounced visit, he explained that the transaction had taken place within the agreed hours and that customers were simply waiting for their order to be cooked. In addition, he asked the Panel to note that on the visit, the LOOH officer witnessed two potential customers were denied entry to the premises since that premises was closed.

In respect of local residents' objections, the Representative asked the Panel to note the limited hours applied for in comparison to other Fireaway premises across the country, some of which were in similar policy areas who had granted later hours than those the Applicant had requested. He addressed concerns around vehicle noise and outlined additional steps taken by the Applicant to reduce noise emanation as far as possible and asked the Panel to note that premises' target market was not the local student population. The Applicant then addressed the Hearing Panel on in respect of acoustic readings they had undertaken, citing that they had noise levels remained within similar levels of ambient noise in the area. The Panel noted the assertion by the LOOH officer that those readings had not been taken on a calibrated, industry standard device. They also noted local residents' assertion that the acoustic readings were not taken on a week of typical noise in the area.

Objectors concerns centred around the impact of another late-night licence operating in the area and the impact on quality of life. They discussed the presumption to refuse such applications under the Cumulative Impact Policy where there was no

variation in terms of local offer and a recognised impact on local residents had been established. Objectors did not accept the Applicant's assertions around the number of night time deliveries that were anticipated (3 – 5 per hour) indicating that it was likely to be more and raised concerns about the impact on local residents in the immediate vicinity; they also indicated that branded packaging litter had been found locally which could be attributed to issues with local waste and recycling issues. In addition, they did not accept that the steps outlined by the Applicant to reduce noise emanation from night time deliveries were sufficiently robust.

In reaching a decision, the Hearing Panel took into consideration 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 Panel noted the application fell within the Cumulative Impact Policy area, however they accepted that the additional steps outlined by Applicant to reduce noise emanation from the premises were reasonable noted that a delivery-only service after 11pm formed part of the application. They also took into consideration that no complaints in respect of noise emanation had been received thus far. In addition, the Panel was also satisfied that the premises would not add to the cumulative impact on the area.

Decision

To grant the licence as applied for, with additional conditions proposed by the applicant.

LACHP/21/5. Application for a new Premises Licence - Five Guys, 17 Piccadilly, Manchester, M1 1LS

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

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

The applicants Legal Representative addressed the Hearing Panel. He stated that the applicants originally sought a 24-hour licence, but after hearing objections, reduced this request. Following the changes to operating hours, three of four residents withdrew their objections, along with LOOH and GMP. The Legal Representative stated that whilst the premises would sell alcohol, this only accounts for 1% of their sales.

Original concerns raised by residents were around noise emanation. The Legal Representative stated that these were addressed in the Schedule of Licence Conditions. There were also concerns raised about litter. The representative stated that whilst they cannot fully control off-site litter, the premises has two internal bin rooms to house rubbish until collection. Objectors had also referenced anti-social behaviour as a problem. The Legal Representative argued that the amendment in hours would alleviate this, along with the minimal amount of alcohol the premises would serve.

The representative argued that the application was significantly modified due to concerns raised, and noted they worked closely with the responsible authorities to meet licensing objectives. The representative asked the Hearing Panel not to impose condition 15, as with the amendments it was no longer necessary.

An objector had to leave the meeting but requested that their written statement was considered by the Hearing Panel.

In reaching a decision, the Hearing Panel took into consideration 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 noted the written statement provided by the objector. However, they acknowledged the significant changes to the application and the communication with residents and responsible authorities to find a solution.

Decision

To grant the new Premises Licence application as amended, subject to the conditions agreed with the responsible authorities, except condition 15, listed below.

Provision of Late Night Refreshment:

Fri and Sat: 2300 to 0000

Supply of Alcohol for consumption both on and off the premises only:

Sun to Thurs: 1100 to 2300

Fri and Sat: 1100 to 0000

Opening Hours:

Sun to Thurs: 0800 to 2300

Fri and Sat: 0800 to 0000

Conditions:

1. The premises shall install and maintain a digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. CCTV shall continually record whilst the premises are open to the public and the recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping.
2. 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.
3. Staff shall be provided with comprehensive training in underage sales; recognising signs of drunkenness; how to refuse service; complying with the licence conditions; and obligations and offences under the Licensing Act that apply to the sale of alcohol.

4. Staff training will include the Challenge 25 policy and its operation. Staff will be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18.
5. All training will be given to a new member of staff before they commence paid employment.
6. 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
7. The premises will operate a "Challenge 25" proof of age scheme whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to that person. Challenge 25 signage shall be displayed within the premises.
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8. An incident log (which may be electronically recorded) shall be kept at the premises and made available on request to the police or an authorised officer of the licensing authority. Information input into this log shall be held for a minimum of 6 months. This incident log 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 complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service
9. A refusals register shall be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. Refusal records shall be kept for a minimum of 6 months.
10. The sale of alcohol shall only to be persons purchasing a meal.
11. Suitable and conspicuous notices shall be displayed at entrances and exits requesting patrons to minimise noise and when smoking and/or leaving.
12. Disposal of waste bottles into external receptacles shall not take place between the hours of 22:00 and 07:00.
13. All sales of alcohol for consumption off the premises shall be in sealed containers and with a takeaway meal only and shall not be consumed on the premises.

14. The need for door staff will be risk assessed by the Designated Premises Supervisor/Premises Licence Holder and employed when deemed necessary.
16. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
18. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.