

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 17 July 2023

Present: Councillor Connolly - in the Chair

Councillors: Evans and Hewitson

LACHP/23/56. Urgent Business - Temporary Event Notice - Whitworth Street Creative Studio, Regency House, 36-38 Whitworth Street, Manchester, M1 3NR

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

In line with the established procedure, the Hearing Panel heard from Greater Manchester Police (GMP), who noted that this was an application for alcohol sales from a hair salon during Pride, for 3 days, 8 hours a day. GMP had concerns that the application had no details relating to how the alcohol would be dispensed and how ID checks would be carried out. GMP had received extra information stating that plastic cups would be used and GMP had concerns that this would lead to street drinking, which is prohibited under the PSPO for the city centre. Whilst that PSPO is relaxed during Pride in a restricted area, the Premises falls outside that area. GMP requested that the panel issued a counter notice.

The applicant then addressed the Hearing Panel, stating they had been a small business owner since 2018. They had obtained a Licence for their previous salon in 2019, developing a relationship with officers from the Responsible Authorities in the process. The business expanded in 2022 to a new premises, on the fringe of the Village. They noted that barriers for Pride are near their salon, causing a hindrance. The applicant felt that the original explanation for objecting to their application was lacking. They would not allow customers to take alcohol onto the street and were seeking a compromise due to the barrier outside their salon. The stock would be locked away, with a Challenge 25 policy in place. The salon would have significant staffing in place for this. The applicant stated that they could put up a marquee.

GMP appreciated that the applicant sought compromise but did inform them that the barrier was an issue for Pride themselves, which the applicant was not originally aware of. GMP also informed the applicant that the marquee suggested was not something that the panel could consider, and that they could only consider what had been applied for. The applicant stated they had come with a willingness to find a compromise but would reapply if necessary.

The panel's legal representative informed the applicant that the panel could not put conditions onto a TEN, they could only consider the application as received. They stated it would be suitable for the applicant to speak to GMP and LOOH before making a further application, should the panel issue a counter notice.

GMP summed up by stating that the proposed way forward appeared to be an amended application. As the panel could not consider anything outside the application as received, GMP requested that the panel issue a counter notice.

The applicant summed up by stating that they were glad to receive further clarity and had nothing to add regarding their application.

In their deliberations, the panel noted that they could only consider the application as received and could not amend the application. The panel were therefore not satisfied that the application as received could uphold the Licensing Objectives.

Decision

To issue a counter notice.

LACHP/23/57. Application for a New Premises Licence: The Ekelipse, Unit 1, 163-165 Great Ducie Street, Manchester, M3 1FF

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

In line with the established procedure, the Chair invited the applicant and their representative to make a statement. The applicant's representative stated that, prior to submitting the application, they had investigated the Licensing Policy to see if there was a Cumulative Impact Policy or other special policy for the area. They became aware there was not one. The applicant's representative worked for a company that assist applicant's in making their Licence applications. They stated that their method was to keep the original application light on information and then to work with the Responsible Authorities to find compromise. The representative offered changes to the applied for times, stating the premises sought to operate until 1.00am, with a close time of 1.30am Sunday to Thursday then until 3.00am with a close time of 3.30am Friday and Saturday. The applicant's representative informed the panel that they had further conditions to add to the application, and they were as follows:

- 1) SIA staff to be employed from 16.00 every day until 15 minutes after closing, with 2 members of staff per 100 customers.
- 2) A zero tolerance approach to drugs, with a workplace policy on drugs in place for staff that will be readily available.
- 3) A zero tolerance approach to disorderly behaviour, with a workplace policy on violence in place for staff that will be readily available.
- 4) An incident report book was to be kept and maintained at all times, and be readily available for inspection.
- 5) After 01.00am, no customers would be allowed in the outside area, save for smokers.
- 6) A dispersal policy will be in place to encourage patrons to leave quietly. It was felt that the 30 minutes between stopping serving and closing time would allow staggered leaving. SIA staff would also encourage patrons to leave quietly. Contact details would be readily available for local taxi companies.
- 7) All windows were double glazed and internal walls had been soundproofed.

- 8) SIA staff to operate Challenge 25 on entry.
- 9) A refusal of entry/service log to be kept and be readily available.

The applicant's representative was confident that with the additional conditions offered the applicant could uphold the Licensing Objectives.

The applicant then addressed the Hearing Panel, stating that they also had a restaurant in Salford but with an earlier Licence time. The applicant had taken on this Premises after speaking to GMP who had stated that an application would be suitable until 04.00am in that area. The applicant stated that the application had been submitted by their representative. They were upset upon receiving GMP's objection following their previous interactions. The applicant noted that there was other Licenced Premises in the area and could not see why their application was different. The applicant stated they had spent a lot and hoped the panel would consider that.

GMP accepted that they had informed the applicant that a 04.00am closure time would be suitable for the area, however noted the application was then made with a 06.00am closure time. The applicant stated that they did not submit the application but their representative had. The applicant had seen the application but followed the advise of their representative. Under further questioning by GMP, the applicant and their representative stated that they thought they had an agreement with GMP due to the previous interactions, but GMP stated that they had gone against that agreement in the application. The applicant noted that the objection had referenced crime in the area but this had not been raised in their discussions with GMP. The applicant's representative stating the application had been submitted as permitted by the Licensing Act 2003 and that they believed the application, as amended verbally, could uphold the Licensing Objectives. The premises would employ more than 4 kitchen staff, with at least 7 or 8 bar staff. The applicant would be the DPS, with their representatives company providing the necessary staff training. The certificates received for that training would be valid for 12 months but the applicant's representative stated that they would be refreshed every 6 months. The applicant stated that the premises would operate as a restaurant first and would serve both food and drink until close. The applicant stated that they may host events at the premises, such as birthday parties or comedians, but reiterated that they would be a restaurant first and foremost. The applicant noted the premises could hold 140 covers, 70 downstairs and 70 upstairs.

LOOH then questioned the applicant and their representative. The applicant informed LOOH that the total capacity for the venue would be 140 and that the outside area would only be for smokers after 1.00am. The Licence held in Salford allowed the applicant's premises to operate until 23.00 Sunday to Thursday and until 12.00am Friday and Saturday.

The panel then questioned the applicant and their representative. The applicant stated that the premises would always be a restaurant first and foremost. They were open to suggestions on how to prevent the venue becoming just a bar. SIA staff employed as part of the offered conditions would search customers. The applicant was open to that condition being strengthened. Any children would need to be accompanied by an adult at the Premises and would not be allowed on the Premises after 21.00.

GMP then provided their statement to the panel, stating that when initially contacted by the applicant, they had not fully researched the area when suggesting a close time. Since then, they had the opportunity to discuss the area further with colleagues, especially those involved in Operation Vulcan that covers the area. That was a 3 year operation that had only been functioning for 6 months. Once GMP had received this additional information, they did not believe the location to be suitable for a Licenced Premises. GMP had concerns about the hours, even reduced as suggested, and the chance that patrons could become victims of crime. GMP did not accept the conditions offered as sufficient and requested that the panel refuse the application.

The applicant's representative asked questions of GMP. During that, GMP stated they did not have crime statistics for the area to provide to those present. GMP accepted there was other Licenced Premises in the area, but they had been there prior to this application. There was no plans to review those Licences as GMP stated there had been no breaches of their conditions or the Licensing Objectives. GMP did note that the conditions would be sufficient for a premises in a different area. After the applicant had ignored the advise of GMP, they did not believe the applicant to be a suitable DPS.

LOOH then addressed the Hearing Panel, noting that their representation had been made based on the application as received. Some concerns from that had been addressed in the additional conditions offered at the hearing. LOOH noted there was pre-existing issues in the area and felt that the operating hours were still too late, even reduced as offered. LOOH still sought refusal of the application.

The applicant and their representative questioned LOOH. They accepted that the offered conditions were sufficient but the offered operating times were still too late. LOOH felt that a premises suggesting they would operate mainly as a restaurant did not require being open till that time. LOOH felt there had been no consideration of the area when making the application. LOOH did not anticipate noise from the premises being an issue as there was not much residential property in the area.

LOOH summed up by stating that they still had concerns about the proposed times and the area applied for.

GMP summed up by stating concerns remained about the area applied for and that they also had concerns about the applicant's suitability.

The applicant's representative summed up by noting that no objections had been received regarding the applicant's suitability as DPS. They felt the conditions offered verbally and the new times suggested were sufficient to uphold the Licensing Objectives. They noted that GMP had provided no evidence of crime in the area to those present.

In their deliberations, the Hearing Panel did not attach much weight to the content of the conversations between the applicant and GMP prior to the application. The panel considered that the area was a high crime area, with minimal residential properties in the immediate vicinity of the premises. The panel noted that the applicant had substantially amended the application, but felt it would have been helpful to have

those amendments communicated earlier. However, with the proposed verbal conditions and change in hours, the panel were more satisfied that the Licensing Objectives could be upheld. The panel did still have concerns regarding events at the premises and considered an additional condition relating to this. The panel noted that the applicant had suggested SIA staff operating a Challenge 25 policy upon entry but felt that this would be contrary to the primary use of the premises as a restaurant. Instead, the panel felt it suitable that a Challenge 25 policy upon entry to operate from 21.00, the time at which accompanied children would no longer be allowed to enter.

Decision

To grant the application, as verbally amended during the hearing, with other modifications as per the below:

Operating Hours:

Sunday-Thursday:

Hours for licensable activities : terminal hour 01:00

Closing time : 01:30

Friday/Saturday

Terminal hour for licensable activities: 03:00

Closing time : 03:30

Conditions:

Consistent with the operating schedule as amended by the panel, conditions put forward by Applicant as amended by the panel and additional condition imposed by the panel:-

CCTV condition to read as follows:-

CCTV covering inside and outside areas of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements . CCTV shall be working and recording correctly at all times . All images shall be stored for a minimum of 31 days.

The DPS shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

Whenever the premises are open to the public at least one member of staff must be on duty who has knowledge of the operation of the CCTV system and is able to download footage and provide a copy to officers from GMP or Responsible Authorities if requested.

Additional conditions offered and amended:

1. Door supervisors at a proportion of 2:100 to be employed at the premises from 16:00 until 15 minutes after the premises closes to the public.
2. A zero tolerance to drugs policy will be implemented at the premises. A copy of the policy to be sent to the Licensing Authority and to GMP. Any amendments or additions to the policy to be communicated to GMP and the Licensing Authority as soon as possible. There should be a lockable drugs box at the premises to which only the DPS and manager shall have access. All controlled drugs or suspected drugs seized at the premises should be placed in the box . The contents of the box should be given to GMP as soon as practicable.
3. A zero tolerance policy to disorderly conduct shall be implemented . A copy of the policy to be sent to the Licensing Authority and GMP. Any amendments or additions to the policy to be communicated to the Licensing Authority and GMP as soon as possible.
4. An incident report book to be maintained on site. The incident book should be made available to GMP or any officers from the Responsible Authorities on reasonable request.
5. Copies of all policies and reports to be available for inspection by officers from GMP and other Responsible Authorities.
6. No food or drink to be consumed in the outside area after 01:00 and the area to be used only for smoking at this time.
7. A dispersal policy encouraging quiet dispersal to be implemented. Such policy to include time and number of door supervisors at exit to ensure orderly dispersal.
8. Challenge 25 policy to be used on entry after 21:00 until closure.
9. A refusals log in relation to entry and alcohol sales will be kept and maintained.

Additional condition imposed by Licensing Committee:

10. A metal detecting wand to be used on all patrons who attend at the premises when it is being used for any events outside the usual use as a restaurant including Birthday parties, comedy nights and any events promoted externally.

LACHP/23/58. Application for a New Premises Licence: Dream Restaurant, 1 Grandale Street, Manchester, M14 5WS

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

In line with the established procedure, the Chair invited the applicant's representative to make a statement. They stated that the premises had been operating, offering Middle Eastern cuisine to eat in and take away. The premises had been popular since opening and therefore the applicant had sought to increase their hours to 2.00am. There was no remaining objections from the Responsible Authorities. Two local business objections remained, but the applicant's representative noted that no

evidence was submitted to support those objections. The applicant's representative stated that the applicant denied all allegations contained within those objections.

The panel questioned the applicant's representative. The representative informed the panel that a security condition formed part of their agreement with GMP. Door staff would finish their shift when the premises closed. They also noted that the premises already had CCTV in operation at the site.

In summing up, the applicant's representative stated their belief that local business objections had been made with concerns over further competition in the area.

In their deliberations, the panel considered the verbal representation of the applicant's representative and all written information received, including that of local business objector. The panel were satisfied that the objections did not contain any evidence to support their claims. The panel noted that there was no remaining Responsible Authority objections to the application. The panel were therefore satisfied that the application would uphold the Licensing Objectives.

Decision

To grant the application, subject to the additional conditions agreed with a local business objector and GMP.

LACHP/23/59. Application for a Premises Licensing Variation: Burgasm, 3 Mirabel Street, Manchester, M3 1PJ

The panel noted that the application had been withdrawn.

LACHP/23/60. Application for a Premises Licence Variation: Newton Heath Food and Wine Limited, 1051 Oldham Road, Manchester, M40 2EH

The panel noted that the application had been withdrawn.