

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Thursday, 6 December 2018

Present: Councillor Grimshaw – in the Chair

Councillors: Barrett and C Paul

LACHP/18/178. Urgent Business

Application for a New Premises Licence for One Plus, First Floor, 42 Charles Street, Manchester, M1 7DB

The Committee noted that agreement had been reached between the applicant and all parties who had made representation, so treated the matter as a determination.

Application for a New Premises Licence for Blue Eyed Panda, Unit 6 Block B Nuovo, 3 Jersey Street, Manchester, M4 6JA.

The Committee noted that agreement had been reached between the applicant and all parties who had made representation, so treated the matter as a determination.

LACHP/18/179. Application for a New Premises Licence for Northenden Players Theatre Club, Church Road, Manchester, M22 4NN

The Committee heard from the Applicant as to the nature of the premises they intend to operate being a community theatre venue. The Committee were informed that the club has been established for a significant period and they move to different venues to bring their cultural experience to different locations. They have now spent a significant amount of money transforming the old Council library. They currently hold 6 plays a year for a week each however they may hold more than this is they can get any visiting groups. They confirmed that the proposed DPS will train all the staff and that if they have visiting groups then the club members will be on site to manage the premises. When asked about the potential visiting groups they gave an example of the most recent being Altrincham Grammar School.

Conditions were also included by the Applicant in the operating schedule confirming that the theatre bar will only be open to audience members and those taking part in performances and rehearsals meaning that it can therefore not operate as just a bar open to the general public when there are no performances on.

In relation to the risk of people breaking into the premises the Applicant addressed the Committee on the actions taken to make the venue more secure.

Licensing and Out of Hours attended the meeting and confirmed that agreement has been reached on a number of further conditions to prevent any potential public nuisance.

The Committee carefully considered the written representations from the resident objectors, who were not in attendance. The Committee were of the view that with the comments of the Applicant as to the nature of the business intending to operate, the conditions in their operating schedule and the additional conditions agreed that these concerns had been appropriately addressed.

Taking all of the representations into account the Committee were satisfied that the Applicant was a responsible operator and that the licensing objectives' would be upheld if the licence was granted with the additional conditions agreed with Licensing and Out of Hours.

Decision

To grant the application subject to the following conditions.

Conditions

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
2. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
3. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.
4. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
5. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open.
6. This telephone number is to be made available to residents in the vicinity.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
8. The theatre and bar will be manned by volunteers whenever there is an audience due to be in, and a nominated individual will always be the responsible person on site during these times.
9. The theatre and bar will only be open to audience members and those who are taking part in the performance in some way. The bar will not be open to members of the general public, and as such only a limited number of people will ever be allowed entrance.
10. The theatre and bar will be closed after each performance, and people will not be served alcohol if they are deemed to be under the influence. In all

instances the terms of the Leasehold will be adhered to (which includes provisions for mitigating against public nuisance instances).

11. Whenever children are present on site (those deemed to be under the age of 16), they will need to be accompanied by a parent / guardian or responsible adult.
12. Alcohol will not be served to those who are under the age of 18, and a "Think 25" policy will be in place to ensure only those who are over the age of 18 will be permitted to purchase alcoholic beverages.
13. If a group of children will be using the premises, then there would be a requirement to ensure appropriately approved responsible persons (with necessary DBS checks in place) are present.

LACHP/18/180. Application for a Variation to Premises Licence for The Deaf Institute, Ground Floor And First Floor, The Deaf Institute, 135 Grosvenor Street, Manchester, M1 7HE

The Committee noted that agreement had been reached between the applicant and all parties who had made representation, so treated the matter as a determination.

LACHP/18/181. Application for a New Premises Licence for TBC, 2nd Floor, Amadeus House, 52-56 George Street, Manchester, M1 4ZZ

The Committee noted that agreement had been reached between the applicant and all parties who had made representation, so treated the matter as a determination.

LACHP/18/182. Application for a New Premises Licence for Dakota Deluxe Hotel, 29 Ducie Street, Manchester, M1 2JL

The Committee noted that agreement had been reached between the applicant and all parties who had made representation, so treated the matter as a determination.

LACHP/18/183. Application for a Variation to Premises Licence for COSMO, Ground Floor, Maybrook House, 40 Blackfriars Street, Manchester, M3 2EG

The Committee noted that agreement had been reached between the applicant and all parties who had made representation, so treated the matter as a determination.

LACHP/18/184. Application for a New Premises Licence for Part 7th Floor XYZ Building, 2 Hardman Boulevard, Manchester, M3 3AQ

The Committee heard from the Applicant as to the nature of the premises they will operate, the conditions they have agreed with Licensing and Out of Hours and one of the resident objectors. They also explained the measures they have taken to address the concerns of the residents including reducing the hours the balcony will be used to 9pm and putting in place a 'living wall' at one end of the balcony. The Applicant also confirmed only part of the balcony will be used as shown on the plan. The Committee

noted that concerns over privacy were not directly related to the licensing objectives and licensing however the Applicant has still put measures in place to try and address these concerns.

The Committee were encouraged by the fact there had been consultation with Responsible Authorities and local residents at the Left bank Apartments. A condition was also being proposed that the telephone number of the manager or DPS will be provided to the residents at the Left bank Apartments.

The Committee heard from the one resident objector in attendance who stated that the main concern of the residents was the use of the balcony and the premises until the hours requested and they would want this reduced. The resident did however confirm that he had now reached an agreement with the Applicant on further conditions to be added to the licence and had withdrawn his own objection.

The Committee carefully considered the written representations from the other resident objectors, who were not in attendance. The Committee were of the view that with the nature of the business the Applicant was intending to operate, the conditions in their operating schedule and the additional conditions agreed that these concerns had been appropriately addressed.

Taking all of the representations into account the Committee were satisfied that the Applicant was a responsible operator and that the licensing objectives' would be upheld if the licence was granted with the additional conditions agreed.

Decision

To grant the application subject to the following conditions.

Conditions

1. The premises shall only be accessible to members of the co-working space located in the XYZ building or to persons attending pre-scheduled events.
2. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
3. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
4. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
5. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.

6. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - a. the number of door staff on duty;
 - b. the identity of each member of door staff;
 - c. the times the door staff are on duty.
8. Open containers of alcohol shall not be removed from the premises.
9. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives, the laws relating to under age sales, and the laws relating to the sale of alcohol to intoxicated persons and that training shall be documented and repeated at 6 monthly intervals.
10. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
11. A first aid box will be available at the premises at all times.
12. Regular safety checks shall be carried out by staff.
13. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
14. The premises shall maintain an Incident Log and public liability insurance.
15. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. The exterior of the building shall be cleared of litter at regular intervals.
18. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
19. A Dispersal Policy will be implemented and adhered to (see attached).
20. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.
21. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.

22. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall 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. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
23. Notices advising what forms of ID are acceptable must be displayed.
24. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.
25. The mobile bar shall not be located or used on the balcony at any time
26. Alcohol shall not be made available via self-service.
27. There shall be a documented Smoking Policy drawn up by the DPS and implemented at the premises
28. The balcony shall not be accessible to customers after 21:00.
29. No speakers shall be mounted externally.
30. Balcony doors shall remain closed after 20.00 except for ingress and egress.
31. The telephone number of the DPS or premises manager shall be provided to the management team/concierge of the Left Bank Apartments.
32. The DPS or premises manager shall attend any local residents meetings if requested to do so.
33. No smoking shall be permitted at the premises.