



Licensing & Out of Hours Compliance Team - Representation

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Premise Details

Application Ref No	REF 647154
Name of Premises	Project Halcyon
Address	Units 104, 105 & 106 Level 1, Bonded Warehouse, Lower Byrom Street, Manchester, M3 4AP

Representation

The Licensing and Out Of Hours Team (LOOH) have assessed the application submitted and the likely impact that the granting of this application would have on the local amenity. We have considered the nature of the area and the proximity of local residential premises. The area is located within a National Heritage site, and benefits from this special status. We have identified elements from the Statement of Licensing Policy which we believe should be considered with this application as approval of the application in our opinion would have a negative impact on the lives of local residents.

The purpose of this variation is to vary the premises hours for sale by retail of alcohol and regulated entertainment to 1am daily with 30 minutes closing and late night refreshment to 1:30am. This will bring the weekdays into line with the hours already permitted at the weekend.

LOOH have given due consideration to Manchester City Councils statement of licensing policy, the four licensing objectives and the planning consent granted for the premises.

Undermining of The Prevention of Public Nuisance objective, is the overriding concern from LOOH.

LOOH have also sought further details and clarification from the applicant through their solicitors in order to understand the requirement for a later terminal hour. They state it's simply because they feel that there will be a demand for them and they want to be able to offer consistent hours throughout the week. The current licence has not yet been used and it is therefore difficult to understand why they now feel there will be a demand for later terminal hours. In relation to the planning permission already granted the applicant stated "They are aware of the planning position and will be consulting their planning solicitors accordingly".

The nearest residential properties are currently 140m from the premises. The local residents have always enjoyed a particularly quiet night time economy in this area. Any noise breakout from the premises would be an intrusion to residents who have become used to the tranquillity of the area, particularly during week day evenings.

A visit was undertaken by LOOH to the premises on 25th October 2019 at 23.05hrs. This visit was undertaken to monitor the concerns LOOH had about customers leaving the premises and creating a noise nuisance. The visit confirmed that although the licence had been granted on 11th February 2019, the premises are still not operational. Officers observed the nature of the area was exceptionally quiet. There was almost no background noise issues. The flow of passing traffic was minimal and the footfall of people in the area was exceptionally low. People noise after 01.00hrs dispersing from the premises in this area during the week would in our opinion lead to the undermining of the Prevention Of Public Nuisance objective.

Section 7:- 12 of the statement of Licensing Policy :- **Where it's discretion is engaged, the authority will give particular consideration to the general character of the surrounding area, including crime and antisocial behaviour levels, litter problems, issues regarding underage or proxy sales and noise complaint's Where there are demonstrable problems with licensed premises in the area, the licensing authority will, in exercising its discretion, take this into consideration when deciding what (if any) steps are appropriate and proportionate in the individual case.**

Section 7 :- 25 of the statement of licensing policy:- **Due consideration will be given to the proximity from licensed premises to residential properties and the potential impact on any local resident will be an important matter for consideration.**

Section 7:- 29 of the statement of licensing policy:- **The authority considers that later hours will typically be more sensitive and higher risk in causing problems.**

Section 7 :- 30 of the statement of licensing policy: - **Applicants are strongly encouraged only to apply for hours that they realistically intend to operate, as later hours are typically more likely to attract objections.**

In the last six months LOOH have received a total of 33 noise complaints in the area surrounding the venue within a radius of 200m from the premises. The majority of these noise complaints relate to noise issues associated with licensed premises. These complaints are not associated with the premises in any way, but demonstrate that the residential properties in this area are already subjected to ongoing noise interference from licensed premises. It shows that the residents are sensitive to noise issues.

It has been noted by LOOH that the planning department requested limits to operating hours when they consented to the planning application for the premises. The planning application and subsequent consent made under the

Town and Country Planning Act 1990 reference number 119820 subsection 16 states :-

The A3 Restaurant uses and A4 Drinking Establishment uses hereby approved shall not be open to customers outside the hours of 7.30am to midnight Monday to Thursday,
8.00am to 01am Friday and Saturday and 9.00am to 23.00pm on Sundays and Bank Holidays

Reason - To safeguard the amenities of the occupiers of nearby Residential accommodation, pursuant to Core Strategy policies DM1 and SP1.

Should the application be approved, the local residential area will be subjected to further unwanted late night noise nuisance. This would undermine the Prevention of Public Nuisance objective. It is therefore my intention to seek refusal of this application.

Recommendation: Refuse Application