



**Licensing & Out of Hours Compliance Team - Representation**

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Department	Licensing and Out of Hours Compliance Team
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**Premise Details**

Application Ref No	269569
Name of Premises	Huddle
Address	Circle Square, Oxford Road. M1 7ED

**Representation**

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the granting of the application submitted for a premises licence at Huddle on the Circle Square complex. LOOH have consulted the Council's Statement of Licensing Policy 2021-2026 and assessed any potential risk that the granting of this could undermine the four licensing objectives of public nuisance, crime and disorder, protection of children from harm and public health.

The only location information provided by the applicant is 'Circle Square'; however, plan and blue notices show its location as a corner plot. The premises is located at the junction of Oxford Road and Charles Street within the new Circle Square complex. Within this complex there are several offices and residential building already occupied with permissions for further offices and licenced premises. The site is also within close proximity to the Wilmslow Road bus corridor which is thought to be the busiest in Europe and is one of the main commuter routes into the City.

The application is for a new licence:

Live Music, Dance and Other:

Daily 11pm to 3am

Recorded Music:

Daily 11pm to 8am

Supply of alcohol:

Daily 24 hrs

On sales daily 10am -3am

Hours Open to the Public:

Daily 24hrs

In considering the premises open to the public 24 hrs and associated activities, LOOH have concerns that the grant of this application will lead to significant issues of public nuisance.

When considering the request to implement the hours of licensable activities, we feel public nuisance is likely to be created by increased noise from patrons arriving and leaving throughout the day and night and those permitted to temporarily leave to

smoke. There is a potential risk as being a “go to “ premises from revellers leaving venues with earlier closing times, who would normally be heading home and leaving the area. If refused entry to the premises people will be loitering in the area also causing nuisance to the residents in the vicinity undermining the licensing objectives.

A premises which is open 24hrs a day within the city centre would likely be a focal point for street community. It has been observed during the night time economy that intoxicated people are an easy target for begging and street based thefts.

The applicant has applied for hot food and drinks to be served 24 hrs a day. There is a high likelihood that this would lead to issues of litter in the surrounding area. The hours also raise concerns over the ability of the Council to clean and maintain the street scene ahead of the arrival of the day time economy due to the change over time of the Councils Street Cleansing Teams.

In addition to the residents we have also taken into account the effect on the day time economy when the public will be arriving or passing through, on a daily commute or visiting the City. Oxford Road is used by commuters 24hrs a day it is also covered by a Public Space Protection Order. Article 1 of the Order states: No person shall consume alcohol in a public place in the Restricted Area.

There is a large open green space in the centre of the Circle Square complex.

LOOH believe that the premises operating 24 hours a day in a largely residential area will be conflicting with the Licensing Policy 2021-2026 and Licensing Objectives will not be upheld.

### **Consulting the Statement of Licensing Policy 2021-2026 the following is relevant-**

#### Proximity of takeaways and off-licences to nightlife entertainment areas

**7.17** Such premises typically lack the type of design and management provisions necessary to process the custom of a large intoxicated late-night customer base, and may act as flashpoints for alcohol-related crime and disorder. Additionally, there is a risk of staff being subjected to threatening behaviour, physical violence, and property damage. Operators are encouraged to consider conflict management training and/or employment of door supervisors, where appropriate. However, where the authority's discretion is engaged, consideration may be given to restricting hours of operation to avoid the risk of such premises acting as flashpoints for crime and disorder.

#### The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

**7.25** Where its discretion is engaged, the licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises, to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. The potential impact on any local residents will be an important matter for consideration.

**7.26** Where premises are in the direct vicinity of local residential properties, and where its discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance, such as:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise
- Prevention of noise disturbance from people entering and leaving the premises (eg. queue management, dispersal policy)
- Prevention of disturbance by people outside the premises (eg. smoking areas)
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises)
- Disturbance caused by deliveries associated with licensable activities, including waste collection.

**7.28** Where its discretion is engaged, the licensing authority will give consideration to the appropriateness of hours applied for, having regard to the location of premises and their likely effect on the promotion of the four licensing objectives. While it is recognised that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the licensing authority will consider restricting hours to ensure the promotion of the licensing objectives, subject to relevant representations being made in relation to the hours applied for, should the licensing authority deem this appropriate and proportionate following a

hearing.

**7.29** The authority considers that later hours will typically be more sensitive and higher risk in causing problems.

**7.31** It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

**7.32** Therefore, where its discretion is engaged, the authority will be mindful of the density of residential use in proximity to the premises and the level of risk of nuisance arising. The authority expects that terminal hours will normally be earlier to promote the licensing objectives for licensed premises located in areas with a higher density of residential property.

**7.35** Where its discretion is engaged, the licensing authority will not consider the fact that other premises in the vicinity already have similar hours as a justification for granting similar or extended hours, and each application will be considered on its individual merits.

#### **Ability to clean and maintain the street scene**

**7.39** The night-time economy presents particular service needs in relation to street cleaning to ensure the streets are cleansed following the departure of night-time crowds, but ahead of the arrival of other users the following morning. Use of mechanised equipment, or even broom-sweeping, is often impractical when streets are busy with people and litter continues to be discarded.

**7.40** The licensing authority will expect operators to cleanse outside their premises, particularly at the close of business. Further, where its discretion is engaged, the licensing authority will take account of the potential impact of the premises upon litter problems in the area and take such steps that are deemed appropriate and proportionate to address such issues. Consideration will be given to the number of rubbish bins in the area to adequately cope with litter levels, as well as the general cleanliness of the area.

### **8. Manchester's standards to promote the licensing objectives**

8.1 Applicants are required to set out in their operating schedule the steps they propose to take in operating the premises to promote the licensing objectives.

#### **Relevant Standards are:**

MS2 Effective general management of the premises

MS5 Prevent on-street consumption of alcohol

MS8 Prevent noise nuisance from the premises

MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and

adequate arrangements for the secure and responsible storage of refuse

MS12 Prevent underage sales of alcohol, including proxy sales

Given that the applicant is requesting 24/7 trading which includes the sales of alcohol the LOOH team would have expected to see a more robust operating schedule provide with this application; Section 4.11 of Manchester City Council's Statement of Licensing Policy states that the principles that will be applied in respect of any conditions imposed on licences and certificates by the Licensing Authority should be tailored to the individual type, location and characteristics of the premises and events concerned. The applicants operating schedule relies heavily on CCTV, incident logs and Challenge 25 polices given the issues raised above the LOOH team would recommend that this application is refused.

**Recommendation:**

**Refuse Application**

# GREATER MANCHESTER POLICE - REPRESENTATION

## About You

Name	<b>PC Alan Isherwood</b>
Address including postcode	1 <sup>st</sup> Floor Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

## About the Premises

Application Reference No.	<b>LPA 269569</b>
Name of the Premises	<b>Huddle</b>
Address of the premises including postcode	Circle Square, Oxford Road, Manchester M1 7ED

## Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the variation on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of the Greater Manchester Police objection to the premises licence variation in relation to the above premises on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The application seeks to vary the hours to allow the premises to remain open selling alcohol for consumption off the premises for 24 hours a day, with on sales until 3am, 7 days a week. They also wish to play recorded music all night.

The premises are situated underneath a large number of residential properties and opposite a hotel on Charles Street and GMP are concerned that the hours requested will almost certainly cause a noise disturbance to those persons who live above the premises and those who are staying in the hotel.

The applicant has offered no explanation as to how the late night custom will be managed and it is stated that SIA security will only be considered as part of an ongoing risk assessment, which suggests that the applicant does not consider the late hours and potential for disturbing hundreds of residents as valid reasons for providing them as a matter of course.

GMP are also concerned by the proposed 24 hour delivery service as this will also cause a disturbance to those living above and opposite the premises.

GMP believe that the proposed operation is wholly unsuited to the location of the premises

Manchester City Council's own licensing policy states:

The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

7.25 Where its discretion is engaged, the licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises, to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. The potential impact on any local residents will be an important matter for consideration.

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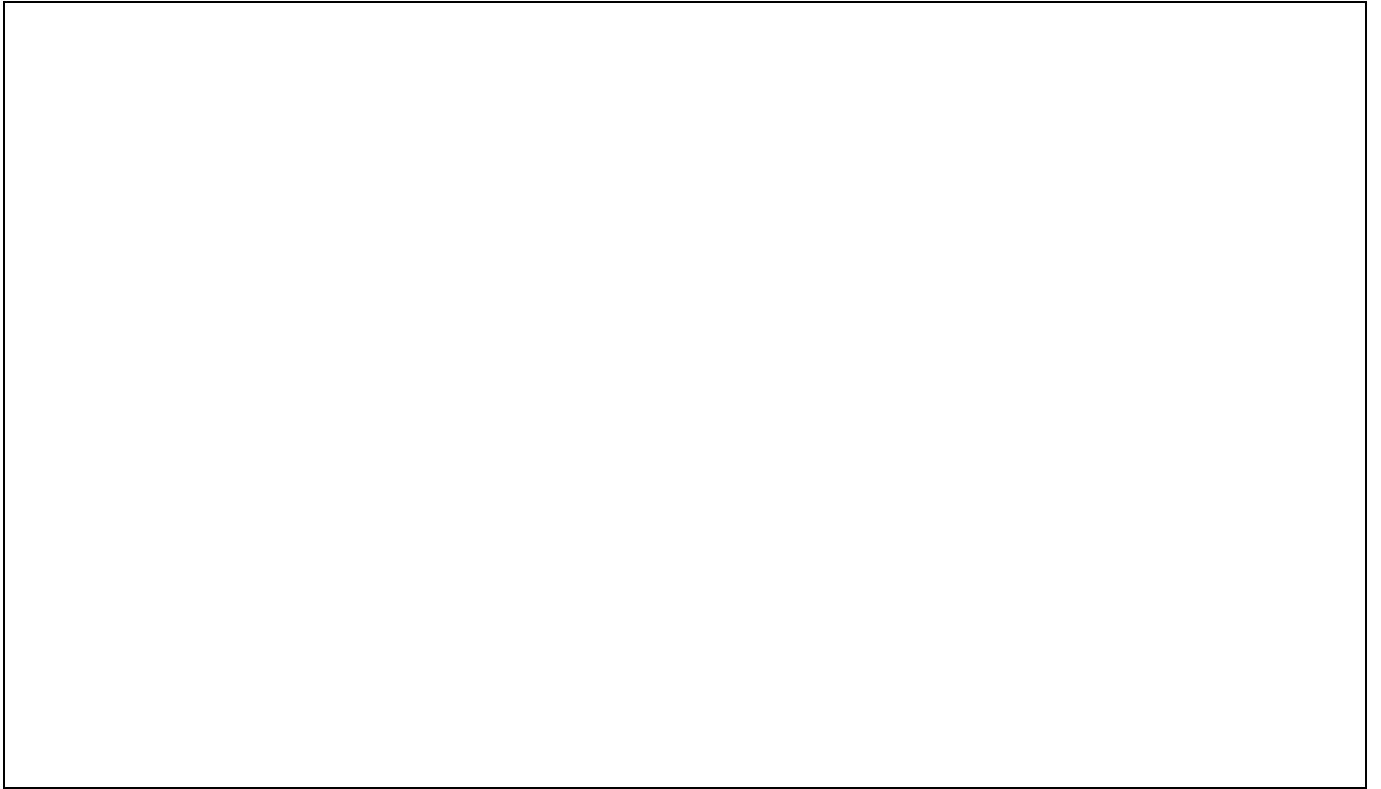
7.31 It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

7.32 Therefore, where its discretion is engaged, the authority will be mindful of the density of residential use in proximity to the premises and the level of risk of nuisance arising. The authority expects that terminal hours will normally be earlier to promote the licensing objectives for licensed premises located in areas with a higher density of residential property.

7.34 Where noise nuisances can be clearly identified as arising from the activities of customers of a specific licensed premises, or there is risk identified upon application of such nuisance occurring, where its discretion is engaged, the licensing authority may reduce the trading hours of licensed premises on the grounds of their noise impact if it is determined that the licensing objectives will be undermined. Where objections are made to the lateness of the terminal hour, it would be appropriate for an applicant to engage with local residents and other parties to try to address the issues raised. The licensing authority would strongly encourage applicants to engage proactively prior to the making of an application and as appropriate when an application is pending.

7.35 Where its discretion is engaged, the licensing authority will not consider the fact that other premises in the vicinity already have similar hours as a justification for granting similar or extended hours, and each application will be considered on its individual merits.

We therefore ask that this application is refused.



**RE: Circle Square - Huddle**

Alan Isherwood <Alan.Isherwood@gmp.police.uk>

Tue 08/03/2022 07:00

[Redacted]

Most appreciated.

**Premises Licensing** – in view of this email from Chris, on behalf of the applicant Mr Jethwa, in which it is agreed that the sale of alcohol for consumption both on and off the premises will cease at 0300 hours each day and the agreed extra conditions below, I wish to withdraw GMP’s representation.

Kind Regards

Alan

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\*NOT PROTECTIVELY MARKED\*

[Redacted]

**Subject:** Re: Circle Square - Huddle

Hi Alan

Good to hear from you after all this time and thankyou for your help and support - as always - on this application !

As per your discussion with Baz we are happy to confirm that we will amend the application to cease all alcohol sales at 03:00 each day and that we will accept your two conditions as follows:

**SIA registered security will be employed at the premises from 2200 hours until 0300 hours each day. At all other times the requirement for security will be determined by a risk assessment.**

**When SIA registered security are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.**

Again, thankyou fo your help and support

Warm regards

Chris

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

a division of the Retail Services & Design Group

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