



Licensing Sub Committee Hearing Panel

Date: Monday, 7 December 2020

Time: 10.00 am

Venue: Dial: 033 3113 3058 Room number: 37978770 #
PIN: 2991 #

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. This meeting is by way of a telephone conference. You can listen to the call as it takes place, the number of people able to listen to the live call is limited to 90.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Andrews, Hughes and Madeleine Monaghan

Agenda

5. **New Premises Licence - TBC, 14 Lansdowne Road,
Manchester, M8 5SH** 5 - 32
Now contains new information from the applicant.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Ian Hinton-Smith
Tel: 0161 234 3043
Email: ian.hinton-smith@manchester.gov.uk

This agenda was issued on **Friday, 4 December 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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Representative for Mr. R. Jacaj.

Response to Neighbourhood Compliance Officer regarding 14 Lansdowne Rd Manchester.

The representation was made under the prevention of public nuisance.

On receiving the representation, I contacted the Compliance officer to introduce myself and to discuss her points. On point one the supply of alcohol to seated patrons and only ancillary to the meal. I pointed out that the application was for the on and off sale of alcohol for a premise not an application for a specific business style and her condition was onerous and could not be reasonably considered under current guidance. I explained that total capacity was approx. 30 people and pointed out the terminal hour alcohol was 21.30 with end of trade at 22.00. The officer reiterated that she thought the condition was justified.

I asked if she had ever had reason to visit the site regarding any type of public nuisance complaint raised by any resident or other persons in the five years the applicant had operated the site. She confirmed she had not. I asked if she had ever had reason to visit the site for a breach of the Environmental Protection act 1990, she said she had not. I asked if she was aware of any public nuisance issues in the area that may be attributed to the conduct of the applicants premise, she had not. The officer still felt the condition was needed.

On the 22nd of October I e-mailed the officer to formally request the withdrawal of her objection. I have provided copies to Manchester Licensing Authority. In the reply the officer rightly points out that each application is assessed on its own merits. Below is taken from section 182 guidance.

1.16 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy where, for example, its effect on cumulative impact is relevant. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Based on this guidance and no evidence being presented by the compliance officer that the condition is required and that without the condition requested being included in the licence that it would lead to public nuisance I ask the committee to grant the licence without such condition.

Since our conversation, and after the original hearing had been postponed the compliance officer found cause to visit the site and has presented evidence of smoking taking place on the

premise. This appears to be a clear effort to gather information to support the representation. As this action was only taken to try to prove a point, I consider it vexatious.

[REDACTED]

[REDACTED]

[REDACTED]

Representative for Mr. R. Jacaj.

Response to North Neighbourhood Team regarding 14 Lansdowne Rd Manchester.

The representation was made under. The prevention of crime and disorder, The prevention of public nuisance, Public safety

On receiving the representation, I contacted the Neighbourhood officer by e-mail to introduce myself and inform him I would like an opportunity to speak with him regarding his representation. We subsequently had a telephone conversation on the 23rd of October the call lasted five or so minutes during which I tried to establish where his concerns had come from as I was unaware of any representations other than the one he had submitted and the one from the compliance officer. I had certainly not had any from GMP. The conversation deteriorated and Mr Pemberton told me he was not going to have the hearing by telephone. We agreed to stop the conversation at that point.

I then e-mailed Mr. Pemberton on the same day (copies of all e-mails forwarded to Manchester Licensing Authority for inclusion) you will see from the reply I received, evidence to support his claim was not available. I have not received any further correspondence or contact from Mr. Pemberton.

As per details in my e-mail I submitted a freedom of information request to Manchester City Council. I have forwarded the response to Manchester Licensing Authority for inclusion.

Mr. Pemberton has made profoundly serious allegations of misconduct from this premise and the behaviour of my client without foundation. He incorrectly accused the premise of selling alcohol outside permitted hours. There are no current permitted hours for this building.

I object in the strongest sense to this representation, it has caused myself and my client considerable time, effort, and, cost to investigate the claims detailed by Mr. Pemberton.

I ask that this representation be dismissed, and the application granted without condition other than those volunteered by the applicant.

Emails Submitted by [REDACTED] 03/12/2020

From: [REDACTED]
Date: Thu, 3 Dec 2020 at 16:45
Subject: FW: Representation 14 Lansdowne Rd
To: premises.licensing@manchester.gov.uk <premises.licensing@manchester.gov.uk>

Hi,
For inclusion in the hearing on the 7th December.

Kind regards

[REDACTED]

From: Brian Pemberton <brian.pemberton@manchester.gov.uk>
Sent: 28 October 2020 07:54
To: [REDACTED]
Subject: Re: Representation 14 Lansdowne Rd

Good morning [REDACTED]

Firstly, my apologies for my delayed response to your email

As discussed in our phone call, as Neighbourhood Officer, my role includes sharing license applications such as the one for 14 Lansdowne Road with GMP, Members and relevant teams within the Council. This gives the opportunity for parties to raise any concerns. these were noted in my submission.

As per my submission, GMP have concerns regarding the license application. I have since contacted GMP for details regarding incidents at 14 Lansdowne Road and to date I have not received a response.

Thanks

Brian Pemberton

From: [REDACTED]
Sent: Friday, October 23, 2020 3:03 PM
To: Brian Pemberton <brian.pemberton@manchester.gov.uk>
Cc: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: RE: Representation 14 Lansdowne Rd

Dear Mr. Pemberton,

Thank you for the time on the phone earlier today. Your representation makes some serious allegations. In order for me to accurately assess the impact you believe granting a premise licence to 14 Lansdowne Rd may have. Would kindly let me have minutes from all documented meetings you have had with GMP, Environmental health, any resident association and Ward councillors that relate directly to your representation for 14 Lansdowne Rd. Copies of any complaints received by any of the persons you mention in your representations will be required as well please.

I'm asking if you will give this information voluntarily and in a timely fashion, by 28th October, so the hearing may go ahead on the scheduled date and time. If you would prefer not to give this information I'm happy to make a request under the freedom of information act, this of course may result in me asking for an adjournment of the hearing.

Kind regards

[REDACTED]

From: Brian Pemberton <brian.pemberton@manchester.gov.uk>
Sent: 22 October 2020 09:23
To: [REDACTED]
Subject: Re: Representation 14 Lansdowne Rd

Good morning

Happy to discuss, my mobile number is [REDACTED]

Thanks

Brian

From: [REDACTED]
Sent: Wednesday, October 21, 2020 1:38 PM
To: Brian Pemberton <brian.pemberton@manchester.gov.uk>
Subject: Representation 14 Lansdowne Rd

Dear Mr. Pemberton,
My name is [REDACTED] I'm the representative for the applicant in this matter. I'm in receipt of your representation to Manchester Licensing Authority. I would like the opportunity to discuss your concerns prior to any licensing committee hearing.

My contact details are at the bottom of the mail. I am more than happy to ring you at time convenient to both of us If you prefer. In this instance let me have your number and availability please.

Kind regards

A large black rectangular redaction box covering the signature area.

FOI Submitted by [REDACTED] 03/12/2020

From: [REDACTED]
 Date: Thu, 3 Dec 2020 at 16:44
 Subject: FW: [FOI/3300] 14 Lansdowne Rd Manchester M8 5SH
 To: premises.licensing@manchester.gov.uk <premises.licensing@manchester.gov.uk>

Hi,
 For inclusion in the hearing on the 7th of December.

Kind regards

[REDACTED]

From: foi@manchester.gov.uk <foi@manchester.gov.uk>
Sent: 26 November 2020 15:18
To: [REDACTED]
Subject: [FOI/3300] 14 Lansdowne Rd Manchester M8 5SH

Date: 26 November 2020

Dear [REDACTED]

Re: Request for Information – 14 Lansdowne Rd, Manchester M8 5SH– Reference Number: FOI/00003300

Thank you for your request for information, which was received by Manchester City Council on 2 November 2020 and has been considered under the provisions of the Freedom of Information Act 2000 (“the 2000 Act”).

Refusal - information not held by the Council

Subject: 14 Lansdowne Rd Manchester M8 5SH

1. Any incident reports relating to gang violence in the last 5 years.

Manchester City Council does not hold any records relating to the information requested above. You may wish to contact Greater Manchester Police as they are more likely to hold this type of information. They can be contacted at the following address: <https://www.gmp.police.uk/rqo/request/ri/request-information/>

2. Any resident complaints to EHO or ward councillors regarding public nuisance in the last 5 years. AND

3. Any meeting minutes between neighbourhood officer Mr. B. Pemberton and ward councillors along with meeting minutes between Mr. B. Pemberton and GMP regarding crime and disorder at the premise.

Manchester City Council does not hold any records relating to the information requested above.

If you are not content with the outcome of the internal review process, you have the right to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Fax: 01625 524510

www.ico.org.uk

If you have any queries about this letter please contact me. Please remember to quote the reference number above in any future communications. If you have received this response by email, please leave the email's subject line unchanged when responding to it.

Yours sincerely
Anne Taylor
Strategic Lead-Neighbourhoods (North)
North Neighbourhood Team
Neighbourhoods Directorate
Manchester City Council

Emails submitted by [REDACTED] 04/12/2020

From: [REDACTED] >
Date: Fri, 4 Dec 2020 at 09:28
Subject: FW: 14 Lansdowne Road, Crumpsall.
To: Premises Licensing <premises.licensing@manchester.gov.uk>

To be included in Hearing bundle for 7th December.

Kind regards

[REDACTED]
From: Claire Cunningham <c.cunningham@manchester.gov.uk>
Sent: 19 October 2020 18:43
To: [REDACTED]
Cc: Premises Licensing <premises.licensing@manchester.gov.uk>
Subject: Re: 14 Lansdowne Road, Crumpsall.

Hi [REDACTED]

Further to our conversation I will not be withdrawing the proposed conditions. Each application is assessed on its own merits. We consider the conditions based on the type of business to be operating from the premise.

The licence has been assessed is on its current operation as a cafe/restaurant and when I spoke to Mr Jacaj on 4th October 2020 he informed me he wanted to continue running the business as a cafe/restaurant but also wanted to serve alcohol. The Licensing Act 2003 Model Conditions are therefore applied when submitting a representation.

The Licensing and Out of Hours team serve Noise Abatement notices under the Environmental Protection Act 1990. As a team we aim to prevent public nuisance when assessing premise licence applications.

I understand you may now wish to proceed to a Committee Hearing.

Regards,

Claire
Claire Cunningham
Licensing & Out of Hours Officer
Licensing & Out of Hours Compliance
The Neighbourhoods Service
Growth and Neighbourhoods Directorate

Tel: 0161 227 3147
Mob: 07817 014957

E-mail c.cunningham@manchester.gov.uk

Emails 2 submitted by [REDACTED] 04/12/2020

From: [REDACTED]
Date: Fri, 4 Dec 2020 at 09:29
Subject: FW: 14 Lansdowne Road, Crumpsall.
To: Premises Licensing <premises.licensing@manchester.gov.uk>

Hi,
To be included in the bundle for the hearing on the 7th December.

Kind regards

[REDACTED]

From: [REDACTED]
Sent: 22 October 2020 15:42
To: Claire Cunningham <c.cunningham@manchester.gov.uk>
Subject: RE: 14 Lansdowne Road, Crumpsall.

Hi Claire,
Thank you for the reply. So I can understand fully your representation can you please put in writing for me why you consider the application would breach the public nuisance objective if granted without the condition you have requested in relation to the consumption of alcohol? Given that the sale of alcohol will cease at 9-30pm and the premise will close at 10pm and the capacity of the building is approximately 30 persons.

Also can you give me an understanding on how you think the applicant can police the condition regarding the amount of people outside the building at any one time?

Kind regards

[REDACTED]

From: Claire Cunningham <c.cunningham@manchester.gov.uk>
Sent: 19 October 2020 18:43
To: [REDACTED]
Cc: Premises Licensing <premises.licensing@manchester.gov.uk>
Subject: Re: 14 Lansdowne Road, Crumpsall.

Hi [REDACTED]

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Regards,

Claire
Claire Cunningham
Licensing & Out of Hours Officer
Licensing & Out of Hours Compliance
The Neighbourhoods Service
Growth and Neighbourhoods Directorate

Tel: 0161 227 3147
Mob: 07817 014957

E-mail c.cunningham@manchester.gov.uk

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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MANCHESTER
CITY COUNCIL

Committee Hearing Summary Sheet

Reference: 250241
Name: TBC
Address: 14 Lansdowne Road, Manchester, M8 5SH
Ward: Crumpsall

Hearing Date: 07/12/2020

Application Type: Premises Licence (new)
Name of Applicant: Mr Ridvan Jacaj
Date of application: 22/09/2020

- Parties relevant to the application (including representatives where known)**
Mr Ridvan Jacaj (Applicant)
[REDACTED] (Applicant's representative)
Claire Cunningham (Licensing & Out Of Hours Compliance)
Brian Pemberton (Neighbourhood Team)
- Progress since publishing of committee report**
Additional documents submitted by [REDACTED] on 03/12/2020 and 04/12/2020

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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