

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 25 February 2019

Present: Councillor Ludford (Chair) – in the Chair

Councillors: Lynch and Reid

LACHP/19/30. Urgent Business

Application for a New Premises Licence for Allens Fried Chicken, 82 Bury Old Road, Manchester, M8 5BW.

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

Decision

To grant the application subject to the agreed terms and conditions.

Application for a New Premises Licence for Euro Star, 638 Hyde Road, Manchester, M18 7EE.

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

Decision

To grant the application subject to the agreed terms and conditions.

LACHP/19/31. Application for a Premises Licence Variation for Bliss Club, Albion Wharf, 19 Albion Street, Manchester, M1 5LN.

The Designated Premises Supervisor together with a colleague attended the hearing on behalf of the Applicant whilst LOOH and GMP were also in attendance to oppose the Application.

At the outset of the hearing the Applicant indicated that he wished to amend his application and seek only an extension of hours for Sun – Thursday to the terminal hour of 3am.

The Applicant explained that he wished to open for longer to cater for comedy shows, business events, Christmas parties and promotions.

GMP explained to the Committee that they had fundamental concerns as to the running of the premises and questioned the ability of the Premises to uphold the licensing objectives.

The Committee was advised that the area of Deansgate locks had become a problematic area for policing and that nearly 80 incidents of violence had occurred in the last 12 months alone. This was supported by an incident log produced by GMP which showed a number of incidents occurring outside the premises.

On one particular occasion on the 9th February 2019 a visit was made to the premises and it was evident from the signing in book that not all door supervisors had signed in, as required, under the terms of their licence. In addition, one of the door supervisors did not have an SIA badge and as a consequence should not have been working.

LOOH referred the committee to MCC's Licensing Policy and explained that in their view it was evident from the visits they had carried out that the Premises was failing to adhere to the Policy and indeed the Licensing objectives .

Whilst most of the conditions were being met the Committee was advised that there were problems with properly implementing a Dispersal and Smoking policy, door supervision and effective management at the premises.

LOOH were also concerned about the amount of littering especially from discarded cigarette butts and stated that this situation had been observed on numerous occasions when visits had been carried out. This was despite the premises being warned on more than one occasion about the need to uphold the Public Nuisance licensing objective .

The Committee also noted objections submitted from a neighbouring business and from a resident.

The Committee was not satisfied that the Applicant would be capable of upholding the licensing objectives.

It felt that whilst the Premises had always appeared willing to work with the Responsible Authorities there were areas of its business practice that needed to be more robust in addressing concerns.

The Committee noted that the Premises had inadvertently breached conditions on its licence without fully appreciating the consequences of such breaches.

On numerous occasions Public Nuisance had been observed by LOOH and it was apparent that the premises had not heeded advice given to address this issue.

It also noted the concerns expressed in representations made by a neighbouring hotel and resident.

Furthermore, it was apparent that there had been incidents outside the premises that had been highlighted by GMP and this had been exacerbated by the fact that the Premises was not keeping accurate records about door supervision and ensuring that such supervisors were displaying SIA accredited badges.

The Committee was also not satisfied that the Designated Premises Supervisor or an appropriate member of staff was capable of providing or arranging for suitable training to be given to staff.

In reaching its decision the Committee took into account s182 guidance, licensing objectives and its own licensing policy.

Decision

To refuse to grant the variation application.

LACHP/19/32. Application for a SEV Transfer for Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA.

The Committee was advised that an application had been received for the transfer of SEV licence from Silks to FAC 251 Ltd.

The Principal Licensing Officer further advised of the grounds that would justify a decision to refuse to grant the transfer.

The applicant, represented by Woods Whur 2014 Limited stated that his client had operated a number of SEV premises without complaint for a number of years.

The Committee was advised that there had been no objection to the transfer of the licence.

The Committee was satisfied that the proposed operator was a suitable person to hold the licence.

This was demonstrated by the extensive experience that the operator had in running other sexual establishments over a number of years in different locations.

The Committee also noted that there had been no objections from the responsible authorities to the transfer application and were satisfied that none of the mandatory or discretionary grounds were engaged.

Decision

To grant the application.

LACHP/19/33. Application for a SEV Renewal for Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA.

The Committee was made aware that a late representation had been submitted by the Women's Equality Party, Manchester branch.

After seeking the views of all parties involved in the hearing and after taking legal advice the Committee decided to consider the representation when determining the Application.

The Committee was advised that there had been no objection received to the transfer of the SEV Licence and the Applicant pointed out that this was a renewal of an existing licence that had been in place for a number of years in the same location.

The applicant further stated that, save for the late representation, there had been no other objections to the renewal application.

The Applicant further stated that none of the mandatory and discretionary grounds had been engaged to prevent the renewal.

As regards the late representation the Applicant stated that the challenge to Sheffield Council's decision to grant a licence was fundamentally concerned with challenging the City Council's Sex Establishment Policy as opposed to the merits of an individual application. Whilst in this case due consideration had been given to Manchester's Sex Establishment Policy when making the application.

A representative spoke on behalf of the Women's Equality Party and confirmed that she wished to rely upon the contents of the representation that they had submitted.

The Committee was satisfied that the mandatory or discretionary grounds outlined in its own Sex Establishment Policy were not engaged and that it was appropriate to grant the renewal.

The Committee noted that there had been no objection to the transfer of the SEV licence and that the application was in respect of a premises that had been operating from the same location for a number of years.

It was satisfied that the granting of the application would not conflict with the City Council's Policy and it was of the view that there had been no material change in the locality.

The character of the area was one of late night businesses, restaurants and bars and the premises were very much a part of the locality.

In respect of the objection, the Committee accepted that this was a renewal of an existing licence and therefore did not add to the numbers of existing SEVs currently in operation in the city centre.

It further noted section 3.12 of its own policy which provided that no weight should be given to an objection made on moral grounds whilst accepting that the objection was not 'frivolous' or 'vexatious'.

Furthermore, the Committee was satisfied that the premises was a professional run business under the guidance of an experienced operator and one that had put sufficient safeguards and conditions in place to ensure that the premises did not breach the City Council's Sex Establishment Policy.

In doing so the Committee was satisfied that granting the renewal of the licence would not breach the Council's Public Sector Equality Duty.

Decision

To grant the application.

LACHP/19/34. Application for a Premises Licence Variation for Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA.

The Committee was advised that there was a Sex Establishment Variation for the same premises, currently the subject of consultation.

A request was made by the Applicant to adjourn the Premises Licence Variation to enable both matters to be heard together at a future hearing.

The Committee was of the view that both Applications should be heard together.

Decision

To defer the matter to 1 April 2019.

LACHP/19/35. Application for a New Premises Licence for Krispy Chicken, 906 Stockport Road, Manchester, M19 3AD.

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

Decision

To grant the application subject to the agreed terms and conditions.

LACHP/19/36. Application for a New Premises Licence for Sammy's, 26 Swan Street, Manchester, M4 5JQ.

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

Decision

To grant the application subject to the agreed terms and conditions.