

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Tuesday, 19 March 2019

Present: Councillor Stone – in the Chair

Councillors: Barrett and Lynch

LACHP/19/47. Urgent Business

Application for a Summary Review of a Premises Licence for Neighbourhood, Tower 12, Crown Square, Spinningfields, Manchester.

GMP advised the Committee that they had made an application to summary review the premises following an incident on the 18th March 2019 @ 0125 hours when North West Ambulance Service was called following a report that a male had been stabbed at the premises.

The Committee was shown video footage of a disturbance outside the entrance to the premises and footage inside of a man who had been stabbed.

Committee was also advised that it was only 12 months ago that the Premises had been the subject of a summary review.

GMP requested the Committee to suspend the Premises Licence until a full review could be heard.

The Solicitors for the premises produced a statement from Simon Kaye, Managing Director of East Coast Concepts Ltd, the operator of Neighbourhood, Spinningfields who confirmed that they had closed the premises after the incident.

The statement also supported GMPs decision to suspend the licence.

The Committee was not satisfied, after hearing all representations made and viewing the video footage presented by GMP, that the Premises would be capable of upholding the licensing objectives.

It was satisfied that the suspension was necessary to prevent serious crime or serious disorder occurring pending a full review.

In arriving at its decision the Committee considered the Council's Statement of Licensing Policy, s182 guidance made under the Licensing Act 2003. Furthermore, for the purpose of Section 53B (5)(b) of the Licensing Act 2003 immediate notice of its decision was given orally to GMP and to the Premises Licence Holder.

Decision

To suspend the Premises Licence pending a full review on 11 April 2019.

Application for a Premises Licence Variation for Alliance Inn , Rochdale Road , Manchester

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 operating schedule and the conditions agreed between the parties.

Application for a Temporary Event Notice for Tinapa , Ashton Old Road , Manchester.

This application was withdrawn by the applicant prior to the hearing.

LACHP/19/48. Application for a New Premises Licence for Brazilian Waxing Company, 3-5 Oxford Road, Manchester, M1 6EY.

The Committee noted that the Applicant failed to attend the hearing but decided to proceed in their absence when it was made aware that the Applicant had been notified of the hearing date.

GMP advised the Committee that they objected to the application as the hours applied for would have meant a significant increase in opening hours and hours of trading.

GMP also expressed the view that should the application be granted then neighbouring residents would be subjected to increased noise nuisance.

LOOH invited the Committee to consider the potential impact that granting the licence would have on neighbouring properties.

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.

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

It had not demonstrated in its application how it proposed to take the necessary steps to meet such objectives.

In addition, the Committee felt that to grant the application would significantly change the nature of the business operating from the premises.

It agreed with the responsible authorities that neighbouring residents would suffer increased public nuisance should the application be granted.

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

Decision

To refuse to grant the application.

LACHP/19/49. Application for a Premises Licence Variation for Manchester Central, Manchester Central Convention Complex, Windmill Street, Manchester, M2 3GX.

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 operating schedule and the conditions agreed between the parties.

LACHP/19/50. Application for a Premises Licence Variation for Peri Peri Chicken Shaq, 261 Oldham Road, Manchester, M40 7PS

The Committee was made aware that a revised operating schedule had been submitted by the Applicant to highlight how public nuisance would be prevented. In this regard the Applicant stated that there was never any intention to open the front doors of the premises to passing trade beyond the current hours.

The hours were being requested to support a delivery service for orders placed online / by telephone calls.

It was also stated that any deliveries were to be made from vehicles via a side access road to the premises.

It was also explained to the Committee that agreement had been reached with the responsible authorities over conditions to be added to the licence

The Committee also heard that the upstairs flat had remained vacant for approximately 12 months.

The Committee was further advised that the area was predominantly made up of commercial businesses rather than residential development.

The landlord of the building addressed the Committee and stated that he did not have a problem with the current hours but contended that to extend the hours would result in public nuisance being caused to the surrounding building.

He indicated that he had tried to sell the property but had not been successful and explained that this would be even harder if the hours of opening were extended.

He stated to the Committee that he felt that the extractor fan created a noise issue that could not be rectified this was despite assertions from the Applicant that the fan was adequately insulated

He maintained that deliveries from the premises would also create a noise nuisance in the early hours.

The Committee was satisfied that the additional conditions agreed with the responsible authorities would suffice in ensuring that the licensing objectives were not undermined.

It did not accept that the extractor fan created a significant noise nuisance towards neighbouring properties and noted that the flat above the shop had been unoccupied for the last 12 months.

It noted that the Applicant had revised its operating schedule and this had satisfied the Committee that there would be no visible trade entering the premises after the hours currently in operation and that all trade would only arise from Orders placed by telephone / on line enquiries.

It was also mindful of the locality of the premises and the fact that it was not situated in a highly populated residential area and that the character of the area was largely one containing commercial businesses.

In reaching its decision the Committee took into account the Licensing Act 2003, s182 guidance, licensing objectives and its own licensing policy.

Decision

To grant the Application subject to the revised operating schedule and agreed conditions.

LACHP/19/51. Application for a New Premises Licence for PremiAir VIP Terminal, Runway Visitor Park, Sunbank Lane, Manchester, WA15 8XQ

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 operating schedule and the conditions agreed between the parties.

LACHP/19/52. Application for a New Premises Licence for Santaboat, 818a Stockport Road, Manchester, M19 3AW.

The Applicant attended and advised committee that agreement had been reached with the responsible authorities/ objectors with regard to reducing the hours requested and conditions to be imposed on the Premises Licence.

The Committee was satisfied that the reduction in hours coupled with the Applicant's agreement to conditions being imposed upon his licence would uphold the licensing objectives.

Decision

Grant the Application subject to the following amended hours:-

Sun to Thurs – supply of alcohol to 22.30 hours with closing time of 23.00hrs

Friday / Sat – supply of alcohol to 00.30 hours with a closing time of 01.00hrs

Plus the agreed conditions with the responsible authorities to be imposed upon the licence.

LACHP/19/53. Application for a New Premises Licence for Dixy Chicken & Pizza, 23 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL.

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 operating schedule and the conditions agreed between the parties.