

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 25 March 2019

Present: Councillor Ludford (Chair)

Councillors: Grimshaw and Stone

LACHP/19/54. Urgent Business

Application for a Premises Licence Variation for Barca, Arches 8 And 9, Catalan Square, Duke Street, Manchester, M3 4WD.

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 New Premises Licence for Pepe's Piri Piri, 26 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.

LACHP/19/55. Application for a New Premises Licence for Shesha Lounge, First Floor, 137-139 Cheetham Hill Road, Manchester, M8 8LY.

The Committee was advised that the premises had been operating since 2007 and that the current application had been submitted following the previous licence lapsing in 2018.

It was explained to the Committee that a dispute had arisen between the previous owners of the business resulting in the applicant taking over sole ownership. However, as a result of the dispute the owner overlooked applying to transfer the licence prior to it lapsing.

The Committee was advised that the licensable hours under the lapsed licence were the same as what was being applied for in the current application.

The Applicant accepted that a number of visits had been made to the premises and that on occasions shutters at the premises had not been open to assist with compliance with the provisions of the Health Act 2006. The applicant advised that they had experienced problems with two of the shutters and that this had contributed to them failing to comply with the requests of the officers from LOOH when visits had taken place.

However, the point was made that the business had never been prosecuted for Health Act offences or received any complaints about the premises since it commenced trading in 2007.

The Committee was advised that there was no intention to supply alcohol and their focus was purely on providing a shisha pipe service and coffees, mocktails and fizzy drinks.

There was an indication given that the number of persons attending the premises ranged from 40-50 mid-week and 70-100 at weekend.

It was also advised that, given the nature of the premises, there was no need to employ door supervisors.

Finally, the Applicant stated that sufficient steps had been taken to ensure that children were protected from harm by restricting access to the Premises.

GMP advised the Committee that they objected to the application as the premises was failing to uphold the crime and disorder licensing objective by failing to ensure compliance with the Health Act 2006.

LOOH advised the Committee that they had visited the premises on numerous occasions and observed that the shutters had not been open. As a result LOOH had warned that the premises were not at least 50% open to the elements and thus in breach of the Health Act 2006.

It was stated to the Committee that on at least one occasion a member of staff did not know who the owner of the premises was and that the buzzer facility at the entrance to the premises was faulty.

LOOH indicated that they had concerns over public safety given the nature of the business being operated from the premises

The Committee was satisfied that the Applicant would be capable of upholding the licensing objectives.

It noted that a significant number of conditions had been proposed by the Applicant to assist the premises in meeting its responsibilities under the Licensing Act 2003.

However, it was apparent to the Committee that further training was required on the part of the management/ staff to reinforce its obligation to safeguard public safety concerns.

As a result of the need to attend/ deliver further training the Committee felt it appropriate, at the present time, to limit the capacity for the number of persons at the premises to 150.

The Committee expressed concerns that there appeared to be a number of breaches of the Health Act 2006 but noted the Applicant's submissions that the premises had not been convicted of any such offences.

It accepted that the faulty shutters may have been a contributory factor for the company failing to adhere to the Health Act legislation and noted that these were to be rectified in the foreseeable future.

Furthermore, it also took account of the fact that there had been no complaints made against the premises since it commenced trading in 2007 and that, until recently, the hours of licensable activities mirrored those being applied for.

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 conditions consistent with the operating schedule (proposed by the Applicant) save for an amendment to condition 15 namely:-

“The capacity for the number of persons at the premises will be 150 “

and subject to the following conditions:-

1. The Premises Licence Holder / Manager shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.
2. The Premises Licence Holder/ Manager shall attend a formal training course, provided by Greater Manchester Fire and Rescue Service, on public safety for licensed premises where such training is available, and provide evidence of attendance if requested.
3. All staff on duty at the premises shall be trained in the Fire Safety and Evacuation procedures for the premises and aware of their individual responsibilities. This includes and door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.