

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 1 July 2019

Present: Councillor T Judge – in the Chair

Councillors: Lynch and Lyons

LACHP/19/104. Temporary Event Notice - Road outside New York New York, 98 Bloom Street, Manchester, M1 3LY

Consideration was given to an application for a Temporary Event Notice.

The Committee listened very carefully to the representations made by GMP and the Premises user took the representations into account. The Committee also considered the unblemished record of the operator and, in particular, the fact she had operated this licensed premises for 30 years.

The Committee is fully aware that the area concerned is very busy during the Manchester Pride event and that the area does get congested, however the operator clearly set out the steps they will put in place during the event to up hold the licensing objectives.

The Committee noted that the Applicant has agreed to vary the hours applied for to be in line with the other licensed premises and accepted this proposal put forward.

Decision

To not grant a Counter Notice, to allow the Temporary Event applied for to take place as requested, subject to the amendment to the hours as proposed.

LACHP/19/105. Application for New Premises Licence - Cafe/Bar (Name to be confirmed), 67 Church Road, Manchester, M22 4WD

Consideration was given to an application for a new Premises Licence in respect of Cafe/Bar (Name to be confirmed), 67 Church Road, Manchester, M22 4WD.

The Hearing Panel listened very carefully to the Applicant and their representative at the hearing about the proposed business they intended to operate from the premises. The Hearing Panel took into consideration the residents objections and the conditions which had been agreed with The Out of Hours Team.

The Hearing Panel was satisfied at the hearing that the steps proposed by the Applicant will up hold the licensing objectives, in particular by the imposition of agreed conditions with the Out of Hours Team. The Hearing Panel concluded that the Applicant was a responsible operator who had clearly thought about the application submitted and wanted to work with the local residents/community in the area.

The Hearing Panel noted that some of the issues raised by local residents were not applicable to the Licensing Act 2003. However, the Panel did consider the relevant representations and were satisfied that the conditions imposed coupled with the dispersal and smoking policy addressed their concerns and will uphold the licensing objectives.

The Hearing Panel noted that the Applicant has clearly complied with the Manchester City Council's statement of policy in particular section 6 and 7 of the policy.

In reaching its decision the Hearing Panel also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

Decision

To grant the (new) Premises Licence, subject to the conditions agreed with the Out of Hours Team detailed below:

Conditions -

1. The furniture layout of the premises shall not deviate from the plan attached to the licence unless an application is first lodged for approval of the change.
2. All sales of alcohol for consumption off the premises shall be in sealed containers only. Open containers of alcohol shall not be removed from the premises. Customers leaving the premises to smoke will be required to leave their drinks inside.
3. Speakers shall not be located/operated in the entrance lobby or outside the premises.
4. There shall be no external furniture at the premises.
5. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.
6. Windows and doors are to remain closed from 22:00 hours each day, save for access and egress.
7. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address.
8. No deliveries must be made to the premises between 21:00 and 07:00 hours.
9. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.
10. The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.

LACHP/19/106. Application for a New Premises Licence - Wolf Italian Street Food, Unit G23, 1 Spinningfields Square, Manchester, M3 3AP

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

Decision

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

LACHP/19/107. Temporary Event Notice - Parrs Wood Sports Centre, Sports Hall, Parrs Wood High School, Wilmslow Road, Manchester, M20 5PG

Consideration was given to an application for a Temporary Event Notice relating to Parrs Wood Sports Centre, Sports Hall, Parrs Wood High School, Wilmslow Road, Manchester, M20 5PG.

The Hearing Panel listened very carefully to the representations made by Greater Manchester Police and the Applicant.

The Hearing Panel when considering this matter took into account the fact that the Applicant had experience of running similar events previously without any issue. In addition the Applicant had confirmed that the bar would be run by a personal licence holder and by experienced bar staff, which satisfied the Committee that the licensing objectives would be up held.

The Committee accepted the evidence submitted that the event was a charity event with fighters who had trained purely for the event. The Committee was satisfied that there were sufficient measures in place for the event to take place such as a sufficient number of SIA door staff, trained medics and medicals before and after the event for the fighters, professional referee, protective gear for the boxers.

In reaching its decision the Committee also have considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

Decision

Not to grant a Counter Notice to allow the Temporary Event applied to take place.

LACHP/19/108. Temporary Event Notice - Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester

Consideration was given to an application for a Temporary Event Notice relating to Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester.

The Hearing Panel listened very carefully to the evidence presented to the Committee by the Applicant, Greater Manchester Police and The Out of Hours Team.

The Hearing Panel had major concerns as to what had been taking place at the premises previously. It was clear from the evidence that prior events that had taken place at the premises had caused a statutory nuisance due the level of noise from the premises. In addition, the evidence provided by the Out of Hours team showed that the owners of the site had a total disregard for the Licensing Act 2003 and allowed an event to take place despite a counter notice issued by the Licensing Sub-Committee.

Having heard the evidence it is not clear who is actually running the premises and had ultimate control.

The Committee was concerned how the Applicant was going to source the SIA staff. Greater Manchester Police pointed out that it was not lawful for the applicant to employ the SIA door staff herself.

The Committee was not satisfied that the licensing objectives would be upheld and, therefore, issued a counter notice.

In reaching its decision the Committee have also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

Decision

To issue a Counter Notice to prevent the event from taking place.

LACHP/19/109. Premises Licence Variation - Spinningfields Public Realm

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 terms and conditions agreed between the parties.