

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 7 October 2019**

**Present:** Councillor Hughes – in the Chair

**Councillors:** Madeleine Monaghan and Reid

#### **LACHP/19/170. Urgent Business**

The Chair agreed to the submission of an item of Urgent Business relating to:

Premises Licence (new) 235621 - Bloom Street Convenience Store, 39 Bloom Street, Manchester, M1 3LY

#### **LACHP/19/171. Application for a New Premises Licence - The Huntsman Inn, 130 Wilmslow Road, Manchester, M14 5AH**

The Hearing Panel was informed that all parties unable to attend for hearing.

#### **Decision**

To defer the hearing to a future date.

#### **LACHP/19/172. Application for a New Premises Licence - Superstar Off Licence, 57-59 Wilmslow Road, M14 4TB**

Consideration was given to an application for a New Premises Licence. The Hearing was attended by the applicant and Designated Premises Supervisor (DPS) and their legal representative Solicitors and supported by an interpreter. In addition, Greater Manchester Police (GMP), Licensing Out of Hours (LOOH) and Trading Standards attended to oppose the application.

The Hearing Panel was advised by the applicant's representative that there had been a previous licence granted to a company under the name of Bilar (Manchester) Ltd and that this company had gone into liquidation in 2009. A transfer of the licence took place subsequently and as a result a substantial number of conditions were automatically transferred onto the current licence. It was argued that such conditions would address the concerns of the responsible authorities and ensure that the premises uphold the licensing objectives.

The Hearing Panel was also advised that there had been no complaints made to GMP concerning the running of the premises. The applicant indicated that he as the DPS would be responsible for carrying out training of staff and indicated that some staff also held licences having attended appropriate licensing training already.

The DPS gave assurances that any alcohol sales would not be carried out after 2am if the licence was granted and a screen would be deployed to cover up any alcohol on show. It further advised that only sales of cigarettes, soft drinks, crisps etc would

be made after 2am. As regards public nuisance the Applicant indicated that more staff would be employed with a view to ensuring that the entrance to the premises was supervised who could in turn deal with any such issues arising

GMP stated that the Application was vague and did not instil confidence that the premises would be capable of upholding the licensing objectives. It was pointed out that this was a new application and it was clear that no conditions had been suggested by the premises to alleviate concerns. GMP also expressed concerns as to how the premises would be effectively managed or how staff would be trained and asked that the application be refused.

LOOH advised the Committee that there was no licence currently in place which allowed the supply of alcohol. LOOH made a request to the Hearing Panel to provide information for the Panel which was confidential without the Applicant being present. The Committee agreed to the request and information was provided that there was an ongoing investigation concerning potential offences being committed by the premises contrary to the Licensing Act 2003.

The view was expressed, with all parties present, that there appeared to be a lack of understanding of what was required to uphold the licensing objectives and LOOH requested that the Application be refused.

Trading Standards representatives stated that the application was poor and that the Applicant had failed to put in place proactive safeguards which would provide confidence that the licensing objectives would be upheld. It was particularly concerned about the Protection of Children licensing objective being upheld at the premises without suitable conditions being added to the licence. There appeared to be no age challenge policy in place or any evidence to suggest that the premises would keep a refusals log to monitor persons who were refused sales of alcohol.

The parties left the meeting room and the Hearing Panel considered application and the submissions made.

## **Decision**

To refuse to grant the application for a New Premises Licence 57-59 Wilmslow Road, M14 4T.

## **Reasons for the decision**

The Hearing Panel was not satisfied that the Applicant would be capable of upholding the licensing objectives. The Applicant had not demonstrated in the application how they proposed to take the necessary steps to meet such objectives.

In addition, the Hearing Panel felt that the Applicant /DPS did not have the necessary experience or be able to guarantee that staff were trained appropriately to safeguard the Hearing Panel's concerns that the premises would be well run.

Whilst there appeared to be a mistaken belief on the part of the Applicant that an existing licence had been transferred and that this had introduced appropriate

conditions to the licence, including specifying hours when alcohol could be supplied, the Hearing Panel was of the view that this mistake demonstrated a serious lack of attention and understanding of the responsibilities that attached to the running of the premises.

It was clear to the Hearing Panel that this was a new application and it was for the Applicant to demonstrate how he would secure effective management of the premises.

It also had serious reservations about how training would be provided to staff and whether or not adequate staff would be employed to run the premises for the hours applied for. It was also not satisfied that the steps suggested by the Applicant would be robust enough to ensure that public nuisance issues did not arise at the premises.

During the course of the hearing it became apparent, from initial representations made, that there was an ongoing investigation into potential offences that may have been committed at the premises.

In light of those representations, the Hearing Panel considered it was appropriate to temporarily exclude the Applicant from the hearing, on the grounds of public interest, whilst the nature of the investigation was briefly outlined to it.

The Hearing Panel did not give any regard to the circumstances of the investigation and based its decision making solely upon the representations made when all parties were present at the hearing. However, in arriving at its decision the Hearing Panel did take into account the licensing objectives, Licensing Act 2003, 182 guidance and Manchester City Council's Licensing Policy.

**LACHP/19/173. Application for a New Premises Licence - The Drop, 356 Barlow Moor Road, M21 8AZ**

The Hearing Panel was informed that all parties unable to attend for hearing.

**Decision**

To defer the hearing to a future date.

**LACHP/19/174. Application for a New Premises Licence - Bloom Street Convenience Store, 39 Bloom Street, Manchester, M1 3LY**

The Hearing Panel was informed that all parties unable to attend for hearing.

**Decision**

To defer the hearing to a future date.