

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 23 December 2019

Present: Councillor Jeavons – in the Chair

Councillors: Andrews and Flanagan

LACHP/20/132. Urgent Business

The Chair agreed to the submission of the following items of urgent business, for which agreement had subsequently been reached with the Responsible Authorities and could therefore be treated as a determination:

- Superstar Off Licence, 57-59 Wilmslow Road, Manchester, M14 5TB – New premises Licence Application
- The Niu Loom, 2 Irish Town Way, Manchester, M8 0AE – New Premises Licence Application.

LACHP/20/133. New Premises Licence - Pieminister, 198 Deansgate, Manchester, M3 3NE - determination

The Hearing Panel considered an application for a New Premises Licence for which agreement had subsequently been reached with the Responsible Authorities and could therefore be treated as a determination.

In reaching its decision the Committee 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 application.

LACHP/20/134. New Premises Licence - Black Sheep Coffee - Unit 1 Gateway House, Piccadilly Station Approach, Manchester, M1 2GH - determination

The Hearing Panel considered an application for a New Premises Licence for which agreement had subsequently been reached with the Responsible Authorities and could therefore be treated as a determination.

In reaching its decision the Committee 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 application subject to the terms and conditions agreed between the parties.

LACHP/20/135. Application for New Premises Licence - TBC, 97 Princess Road, Manchester M14 4TH

Consideration was given to a report of the Director of Planning, Building Control and Licensing regarding an application for a New Premises Licence.

The Applicant and their legal representative attended the hearing and addressed the Panel and answered questions.

On hearing representations from the Applicant's solicitor, the Committee was satisfied that the premises would be capable of upholding the licensing objectives.

It noted that there had been discussions with the objectors and that conditions had been proposed and agreed by the Applicant to alleviate concerns that the licensing objectives would not be upheld.

The Committee recognised that the premises was predominantly a food led business and felt that the imposition of such conditions together with those proposed by the Applicant would assist in ensuring compliance with the licensing objectives.

In arriving at its decision the Committee took into account the licensing objectives, Licensing Act 2003, s182 guidance and MCC's Licensing Policy.

Decision

Grant the Application subject to the following conditions:-

1. The Premises Licence Holder or the Designated Premises Supervisor (DPS) must develop and operate a dispersal policy for clientele leaving the premises. This should include links to the taxis and other transport providers.
2. Prominent and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
3. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

LACHP/20/136. Review of Premises Licence - Baytree Restaurant, 1140 Rochdale Road, Manchester, M9 6FQ

Consideration was given to a report of the Director of Planning, Building Control and Licensing regarding a review of a Premises Licence for Baytree Restaurant, 1140 Rochdale Road, Manchester, M9 6FQ.

The Applicant's representative attended the hearing and addressed the Panel and answered questions.

Committee was advised that the Premises Licence Holder was currently serving a term of imprisonment. However, the Panel was satisfied that the Applicant's brother had been given authority to represent him at the hearing after viewing evidence to support this and the matter proceeded.

Summary of Evidence (Greater Manchester Police (GMP))

The Panel was advised that the Premises Licence Holder had been convicted of conspiracy to commit violent disorder and assault for which he was sentenced to 4 and half years imprisonment. It heard that he had been part of a group of males who attacked a male, leaving him with life changing injuries.

Summary of Evidence (Premises Licence Holder)

It was stated that the Premises Licence Holder was not the main perpetrator of the crime for which he had been convicted and that he had managed the premises for a number of years without complaint.

It was contended by the licence holder's representative that the business should not suffer as a result of the actions of one individual and that it would be unfair upon other members of staff if the premises was to lose its licence.

In considering the application, the Panel was satisfied that the current Premises Licence Holder was incapable of upholding the licensing objectives.

The Panel viewed extremely seriously the offence for which the Premises Licence Holder was convicted and noted that they had been sentenced to a term of imprisonment for a period of 4 and a half years.

In arriving at its decision to revoke the Premises Licence, the Committee took into account the licensing objectives, Licensing Act 2003, s182 guidance and Manchester City Council's Licensing Policy.

Decision

To revoke the premises licence for Baytree Restaurant, 1140 Rochdale Road, Manchester, M9 6FQ.

LACHP/20/137. Transfer of Premises Licence - Baytree Restaurant, 1140 Rochdale Road, Manchester, M9 6FQ

Consideration was given to a report of the Director of Planning, Building Control and Licensing regarding an application to transfer Premises Licence for Baytree Restaurant, 1140 Rochdale Road, Manchester, M9 6FQ.

Committee heard an application to transfer the licence to Mr Hafzur Rahman (Applicant) from the current premises licence holder, Habibur Rahman.

Summary of Applicant's evidence

Representations were made to the Panel that the Applicant had been managing the restaurant for approximately 5 – 6 years and that he would be capable of effectively managing the premises and upholding the licensing objectives.

The applicant stated that he had never been in trouble with the police and felt that he should be judged on his own actions and not those of his brother.

Summary of Greater Manchester Police (GMP) Evidence

GMP stated that the Applicant was currently subject to court proceedings after being charged with a serious offence of kidnapping along with two of his brothers. The Panel was advised that he was bailed to attend Minshull Street Crown Court.

GMP expressed their concern that two other brothers of the Applicant were currently serving prison sentences and stated that the transfer application had only been submitted to frustrate the review hearing.

The Panel carefully considered the representations of both parties and agreed with GMP that there were serious concerns that the Applicant would be capable of upholding the licensing objectives if the licence was transferred to the Applicant.

The offence of kidnap for which the Applicant is charged is a serious offence and led the Panel to conclude that there were serious implications for crime and disorder should the licence be transferred. In this regard, it noted the Applicant's connection with other family members who had been convicted of criminal offences.

It agreed that the transfer of the licence was motivated, in part, to circumvent the review proceedings brought by GMP.

In arriving at its decision Committee took into account the licensing objectives, Licensing Act 2003 s182 guidance and MCCs Licensing Policy.

Decision

To refuse the Application to transfer the Premises Licence.

LACHP/20/138. Application for a New Premises Licence - Superstar Off Licence, 57-59 Wilmslow Road , Manchester - New premises Licence Application

The Hearing Panel considered an application for a New Premises Licence for which agreement had subsequently been reached with the Responsible Authorities and could therefore be treated as a determination.

In reaching its decision the Committee 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 application

LACHP/20/139. Application for a New Premises Licence - The Niu Loom , 2 Irish Town Way, Manchester - New Premises Licence Application

The Hearing Panel considered an application for a New Premises Licence for which agreement had subsequently been reached with the Responsible Authorities and could therefore be treated as a determination.

In reaching its decision the Committee 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 application.