

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 2 March 2020**

**Councillors:** Grimshaw, Hewitson and Jeavons

#### **LACHP/20/24. Urgent Business**

The Hearing Panel agreed to take this item as Urgent Business:

New Premises Licence - Ronya's Convenience Store, 106 Waterloo Road, M8 8AF - determination

#### **LACHP/20/25. Application for a New Premises Licence: Reds Takeaway & Dark Kitchen, 331 Wilmslow Road, M14 6NW**

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

The application was before the Hearing Panel after having been adjourned in February 2020 due to the applicant's representative being unavailable for the hearing. Councillor Jeavons had sat on the previous Panel and, as Chair of this Hearing Panel, gave a brief summary of the previous hearing and reasons for adjournment before commencing the hearing.

The Hearing Panel heard from the applicant's representative as to the proposed operations and running of the premises. It was explained that the application was for Red's Takeaway & Dark Kitchen to be a small seated restaurant (15-25 capacity) plus outside patio/smoking area, serving food and alcohol (alcohol served with food only), a walk-in takeout service for food and alcohol (alcohol served with food only) and also a home delivery service of food and alcohol (alcohol served with food only) via recognised and registered delivery companies. The Dark Kitchen would service the delivery aspect of the business until 05:00. A new summary of conditions was circulated which confirmed that the applicant had brought the proposed closing time forward from 05:00 to 02:00. It was put forward by the representative that this was a premium food product with the Red's True Barbecue brand having been placed high in the ranking in a World Barbecue Competition, held in Texas in 2019 and, as such, it was felt that the premises would have a positive impact on the area. The representative went on to explain that the applicant was aware that the application was being made for a Licensed Premises within a Cumulative Impact Policy (CIP) zone and stated that the applicant currently operated another premises within a CIP zone in Leeds.

The Hearing Panel then gave consideration to objections from a Local Ward Councillor and Residents Groups. Their contributions were on the grounds that they

did not wish for any further licensed premises operating within the CIP zone. It was detailed in these objections that a CIP had been imposed on the Fallowfield/Withington area due to the amount of late night disturbances arising from intoxicated patrons of various nearby licensed premises, litter, anti-social behaviour and crime and safety issues.

GMP stated their objection to the 02:00 closing time, stating that a closing time of 00:00 midnight would be encouraged.

LOOH stated their objections on the basis that the reduction in opening hours from 05:00 to 02:00 was not enough to satisfy their concerns around the impact the premises would have on local residents within the CIP zone.

In their closing summary the applicant offered the withdrawal of alcohol sales in a bid to prove to any objectors that they were a food-led business. The applicant's representative concluded by asking the Hearing Panel to consider that the CIP could also have a negative impact on the area with derelict premises, unable to trade at later hours, reasoning that the premises Red's were looking to trade from for this application had been derelict and graffiti covered for the last two years.

When taking all of the presentations into consideration the Hearing Panel concluded that the more pressing issues within the CIP and the objector's representations were around late night/early hours drunken/anti-social behaviour and litter. The Hearing Panel took note of the CIP guidelines which state that new premises must bring something positive to the area and considered that trading up until midnight is to be encouraged.

In striking a balance the Hearing Panel determined that the proposed style of business would add something positive to the area. However, the Hearing Panel removed the takeaway element of the business, thereby reducing any potential littering problems, firmly in the belief that this would satisfy the conditions of the CIP. The Hearing Panel also reduced the trading hours, imposing a closing time of 00:00 midnight which the Hearing Panel felt would also satisfy the conditions of the CIP around drunken behaviour. As such it was felt that re-shaping the application terms and proposals would meet the approval of the objectors. 12 main conditions were drawn up by the Hearing Panel alongside the re-structuring of the trading hours.

## **Decision**

To grant the amended application with the reduction in hours as applied for and with the following additional conditions:

Opening Hours:

Monday – Sunday: 11:00 – 00:00

The supply of alcohol for consumption (on premises only):

Monday – Sunday: 11:00 – 23:00

Provision of Late Night Refreshment (off premises only):

Monday – Sunday: 11:00 – 05:00

Provision of Regulated Entertainment:  
Monday – Sunday: 11:00 – 23:00

1. Alcohol only served with a sit down table meal and only on premises. No alcohol to be served without food.
2. No takeaway food or off sales of alcohol from the premises save for door to door deliveries and no alcohol to be supplied without food.
3. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name.
4. A direct telephone number of the manager of the premises shall be publicly available at all times the premises are open the telephone number is to be made available to residents in the vicinity
5. All windows and external doors shall be kept closed between operational hours or at any time regulated entertainment takes place except for immediate access and egress of persons.
6. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.
7. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
8. Outside tables and chairs shall be rendered unusable by 22:00 each day.
9. 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.
10. 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. This includes the avoidance of slamming doors, playing loud music, shouting, over revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.
11. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 00:00 and 08:00 hours.
12. The premises licence holder shall attend a minimum of four local resident's meetings per annum (if invited) to resolve any problems associated with the carrying on of licensable activities at the premises.

**LACHP/20/26. Application for a New Premises Licence: Waffle Away, 120a Withington Road, Manchester, M16 8FA**

The Hearing Panel noted that the application was agreed by all parties prior to the meeting and was therefore treated as a determination.

In reaching its decision the 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 application for a new premises licence.

**LACHP/20/27. Application for a New Premises Licence: Ariana Restaurant,  
113 Wilmslow Road, Manchester, M14 5AN**

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

The Hearing Panel gave regard to LOOH having submitted a number of receipts from the premises that proved they had traded beyond their licensed closing time. When the applicant was questioned about this, they stated that they were new to the business and thought they had been told by the previous business owner that they license to trade at this hour. LOOH then stated that there was a subsequent interview, informing the applicant that they needed to cease trading at 00:00 midnight, followed by another test purchase from a LOOH officer beyond the midnight hour and, again, the LOOH officer was served.

Both GMP and LOOH stated they had little faith in the applicant possessing the knowledge to trade effectively and in line with the Licensing Objectives.

The applicant confirmed that they were not fluent in English and would have some difficulty in learning the Licensing Objectives. At this point the Hearing Panel gave the applicant the option to adjourn and return with an interpreter. The applicant understood the question and requested to continue.

The Hearing Panel questioned whether the applicant had operated this way on purpose or whether it was due to an honest lack of understanding. LOOH confirmed that the applicant had had more than one warning and felt that this demonstrated them having no effective knowledge of the Licensing Objectives.

In their deliberations the Hearing Panel felt that the applicant was unable to run the business effectively and in line with the Licensing Objectives.

**Decision**

To refuse to grant the licence.

**LACHP/20/28. Application for a New Premises Licence: Wolf At The Door,  
30-32 Thomas Street, Manchester, M4 1ER**

The Hearing Panel noted that the application was agreed by all parties prior to the meeting and was therefore treated as a determination.

In reaching its decision the 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 application for a new premises licence.

**LACHP/20/29. Application for a New Premises Licence - Chennai Dosa,  
Ground Floor, 303-305 Palatine Road, Manchester, M22 4HH -  
determination**

The Hearing Panel noted that the application was agreed by all parties prior to the meeting and was therefore treated as a determination.

In reaching its decision the 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 application for a new premises licence.

**LACHP/20/30. Application for a New Premises License - Ronya's  
Convenience Store, Unit 8b, 106 Waterloo Road, Cheetham, Manchester,  
M8 8AF - determination**

The Hearing Panel noted that the application was agreed by all parties prior to the meeting and was therefore treated as a determination.

In reaching its decision the 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 application for a new premises licence.