

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 13 July 2020

Councillors: Andrews, Hughes and Reid

LACHP/20/72. New Premises Licence - Cloudwater Brew Co, Units 12 & 13, Piccadilly Trading Estate, Giddings Road, Manchester, M1 2NP - 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 licence.

LACHP/20/73. New Premises Licence - Heaton Park Golf Course, Golf Pavillion, Heaton Park, Middleton Road, Manchester, M25 2SW - determination

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

However, the Hearing Panel were concerned regarding the proposed hours for the licensable activities and also having a licensed premises in a park. Therefore the Hearing Panel did not determine the application but deferred the hearing to enable the applicant to attend.

Decision

To defer the hearing to enable the applicant to attend.

LACHP/20/74. New Premises Licence - Convenience Store, 120 Mauldeth Road, Manchester, M14 6SQ

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 considered the written papers, oral representations of all parties as well as the relevant legislation.

The Hearing Panel were notified that the applicant was currently ill with the Coronavirus and could not attend. The Hearing Panel were aware that the hearing had previously been deferred for the same reason in May.

A Licensing Officer explained that the applicant had been given the opportunity to attend and that their representative had received no instruction from the applicant. They also explained that they had received no further contact from the applicant.

On consideration of the options presented to them, the Hearing Panel felt that there had been sufficient opportunity for the applicant to communicate with the Licensing officer and their representative, further noting that the application had attracted a number of objections, none of which were from responsible authorities, and made the decision to continue with the hearing in the applicants absence.

The Hearing Panel considered carefully the representations made at the hearing by a Ward Councillor and two resident associations who felt that more premises licensed for the sale of alcohol in the vicinity would exacerbate already ongoing problems and would not provide a welcome or suitable contribution in the local area.

In deliberating, the Hearing Panel noted that the premises was not located within the Cumulative Impact Policy zone, albeit close by and felt that attaching conditions on the licence would allow for an agreeable compromise for all parties.

Decision

To grant the licence with conditions attached: -

Alcohol Sales (Off Sales only): Monday to Sunday: 09:00 to 22:00
Opening Hours: Monday to Sunday: 07:00 to 23:00

LACHP/20/75. Review of a Premises Licence - Abdul's, 240 Lightbowne Road, Manchester, M40 5EF

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

The application for a review was submitted by Trading Standards on the grounds that the licence holder had failed to uphold the licensing objective concerning the protection of children from harm.

The Hearing Panel considered the written papers and oral representations of all parties.

The Licence Holder attended with a family member who spoke on their behalf.

A spokesperson for Trading Standards explained to the Hearing Panel that they had acted on complaints regarding underage sales by the premises and a test purchase had been carried out in February 2020 whereby tobacco was sold to an underage volunteer. Upon attendance, a Trading Standards officer spoke with the seller who gave his details and two addresses, both of which turned out to be false which

delayed and obstructed the investigation. It was also noted by Trading Standards that no alcohol licence was displayed. A further visit was made in March 2020 and again, no licence was displayed at the premises.

A Licensing Out Of Hours (LOOH) officer informed the Hearing Panel that they had uncovered multiple breaches of the licensing objectives and explained that they had received no contact from the Licence Holder and therefore felt that the Licence Holder was not competent to continue in this capacity and requested the Hearing Panel revoke their licence.

GMP then addressed the Hearing Panel and reported that they had seized illicit goods from the premises in May 2020 and also requested that the Hearing Panel revoke the licence.

Addressing the Hearing Panel, the Licence Holder's family member stated that the Licence Holder was out of the country when the offence was committed and has always upheld the licensing objectives and had issued the staff member responsible with a warning.

The Hearing Panel took note that there had been multiple breaches on the premises and that the Licence Holder (also the Designated Premises Supervisor) was rarely on site or in control of what staff were doing on the premises. The Hearing Panel took serious note that, when questioned, the Licence Holder was unable to name any of the four licencing objectives. In their deliberations The Hearing Panel took all of this into account and felt that no modification, exclusion or suspension would address these issues and that revocation of the licence and removal of the Designated Premises Supervisor was the only suitable outcome.

Decision

To revoke the Premises Licence and remove the Designated Premises Supervisor.