

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 17 August 2020**

**Councillors:** Andrews, Hassan and Jeavons

#### **LACHP/20/91. Krispy Fried Chicken and Shake House, 106 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 Premises Licence Variation.

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

The Hearing Panel noted that that an agreement had been reached with Licensing Out Of Hours (LOOH) on the basis that there had been no complaints in relation to the operation of the premises until 02:00 since the licence had been granted.

The applicant addressed the Hearing Panel and informed them that they wished to remain open until 02:00 as other premises in the locality were also trading until this time. The applicant stated that their customer base had requested that they remain open later.

The Hearing Panel noted, with regard to the current 02:00 closing time, that this had been granted in January 2020 and was therefore during a quieter trading period closely followed by the Coronavirus lockdown which the Hearing Panel felt did not represent standard trading operations and were a false representation of how the premises would normally run and affect nearby residents.

The Hearing Panel further noted that the report gave the closing times for the premises as 11:00 Monday to Saturday and 10:00 on a Sunday. On enquiring with the applicant the Hearing Panel were informed that they had not previously made an application to remain open until 02:00 but had made enquiries.

A Local Ward Councillor informed the Hearing Panel that this premises was in a residential area and did not have any other nearby late night premises to match their hours with, as was claimed by the applicant. The Local Ward Councillor stated that they felt that this premises would certainly present an increase in litter and noise in the area as a result of their operations.

In their deliberations the Hearing Panel noted that the applicant had requested for all conditions to be removed from the licence as well as the later trading hours. Taking this and the residential setting of the business into account along with the applicant seemingly operating beyond the hours of their planning consent, the Hearing Panel considered it appropriate to refuse the application.

#### **Decision**

To refuse the application on the grounds of the prevention of public nuisance.

**LACHP/20/92. Dixy Chicken, 5a Wilbraham Road, Manchester, M14 6JS**

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 took note that the application was for a premises situated within the Cumulative Impact Policy (CIP) zone. The effect on applications/premises within the CIP zone is such that any applicant must demonstrate that their operations will not add further disturbance in the area and, further to this, should also demonstrate that the premises will add something of benefit to the area.

The applicant addressed the Hearing Panel and stated that they were aware that they are situated within the CIP zone and accepted that the hours applied for (04:30 closing time) would not be in line with the policy and, as such, wished to reduce these hours to 01:30 closing on a Sunday, 02:00 Monday to Wednesday and 03:00 Thursday to Saturday. The applicant felt that these hours did not constitute a breach of the policy. The applicant gave mention of measures to be put in place regarding litter, signage and the refusal to serve intoxicated patrons yet, when asked to provide details of these measures, the applicant did not appear to have any firm measures in place.

The Hearing Panel then heard representations from responsible authorities and local residents who told of constant issues with litter (including litter from this premises), noise and anti-social behaviour from drunken patrons of this type of late night takeaway.

In their deliberations the Hearing Panel felt that there was already a problem with late night takeaway venues in the CIP zone and felt that the problem would be exacerbated if this premises were allowed to trade until a later hour. The Hearing Panel could also not find any firm measures put in place by the applicant that may allay their concerns around the problems already experienced by local residents and therefore felt it necessary to refuse the application in line with the aims of the policy.

**Decision**

To refuse the application on the grounds of the prevention of public nuisance.