

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 12 October 2020

Councillors: Jeavons, Hassan and Hughes

LACHP/20/120. Urgent Business

The Hearing Panel agreed to take the following Item as Urgent Business:

New Premises Licence – Vertigo, Unit 9, 11 Jack Rosenthal Street, Manchester, M15 4RA – determination

LACHP/20/121. New Premises Licence - House of Beijing, 8 Polygon Street, Manchester, M13 9SG - 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/20/122. New Premises Licence - 20 Claremont Grove, Manchester, M20 2GL - 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/20/123. New Premises Licence - Openshaw Mini Market, 1302 Ashton Old Road, Manchester, M11 1JG - 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/20/124. Premises Licence Variation - Aftabs, 1 Bonsall Street, Manchester, M15 6DR

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.

At the start of the hearing it was confirmed that the applicant had declined to take part.

A LOOH officer explained that the applicant wished to extend opening hours and hours for the sale of alcohol and for both to terminate at 00:30. The LOOH officer stated that this would attract students as the location was close to the city centre and would therefore cause late night disturbance to nearby residents, some living above the premises.

GMP expressed their concerns over students returning from town and collecting supplies for late night parties and the combined added risk of the spreading of Coronavirus if this application was granted.

A Local Ward Councillor stated that there were already concerns from local residents and businesses regarding the application and expressed that she did not feel that the business would add anything positive to the area if this application was granted.

In their deliberations the Hearing Panel agreed with the representations from LOOH, GMP and the Local Ward Councillor and felt that the application would impact negatively on local residents and businesses if granted and therefore refused the application.

Decision

To refuse to grant the licence variation.

LACHP/20/125. New Premises Licence - Karibu, 911 Ashton New Road, Manchester, M11 4PB

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 applicant's agent addressed the Hearing Panel and stated that the applicant had agreed conditions with LOOH and GMP who were both now satisfied with the terms of the application. The agent stated that there were additional conditions to keep local residents satisfied also, in that the premises would keep windows and doors closed from 19:00 and had made an agreement with a taxi company which would prevent any patrons waiting outside on the street. The agent confirmed that the addition of alcohol was only as ancillary to food and there would be no off sales. Alcohol was to be served to seated patrons only. The agent gave mention to other conditions whereby bins would not be emptied in the later hours, patrons would be moved on quickly, the outside area of the premises would be regularly cleaned and cleared of litter, no more than 5 smokers allowed outside at any given time and no deliveries after 20:00.

A local resident addressed the Hearing Panel and voiced concerns over parking on the small residential street where the premises is located and stated that they would like the Sunday trading hours reduced. The agent stated that parking was not a Licensing Hearing Panel consideration and that the restaurant seated 20/25 patrons maximum, inferring that the premises would not create a great deal of traffic or parking. The Chair confirmed that the Hearing Panel could not take the residents parking concerns into account when making their decision.

In their deliberations the Hearing Panel felt that the Sunday trading hours should be reduced to be in line with the weekday times and granted the licence with this as an additional condition.

Decision

To grant the licence with an additional condition that reduces the Sunday trading times to match the weekday trading times:

Sunday opening hours: 13:00 to 22:30, hours for alcohol: 13:00 to 22:00

except Sundays before a Bank Holiday:-

Opening hours 12:00 to 00:30, hours for alcohol 13:00 to 00:00 and Late Night

Refreshments 23:00 to 00:00

LACHP/20/126. New Premises Licence - The Loft, 1 New Street, Manchester, M40 8AW

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 applicant's agent addressed the Hearing Panel and explained the functions of the premises and that representations had been made by responsible authorities, namely GMP, LOOH and Trading Standards, but no local residents or businesses. The agent confirmed that conditions had been agreed with Trading Standards.

The agent stated that the opening hours were from 12:00 to 00:00 in the week and until 05:00 at weekends with one private, monthly event from 05:00 to 12:00. The agent expressed that this late terminal hour would not disturb local residents and businesses as the premises is located in an industrial warehouse, the entrance is recessed and 130 metres away from the closest residential street. The agent explained the intention for the premises to be a multi events venue for dance, concerts and film, would be ticketed only and would assist in developing cultural artists and acts from across Manchester. Further explanation from the agent was offered concerning the lack of outside promoters, giving the directors full control over events at the venue, and that the concerns of any responsible authorities had either been agreed or considered.

The applicant addressed the concerns over the late terminal hour stating that some of their clients would travel from Europe where a 05:00 close is the norm and that they would manage the egress of patrons with a strict dispersal policy and street marshals. It was also stated that the maximum capacity was 200.

GMP and LOOH gave representations of their concerns about noise and disturbance during the early morning hours, stating that a city centre location is better placed for this kind of venture and requested a refusal of the application.

In their deliberations the Hearing Panel were certain that the applicant had put strong measures in place to protect local residents but felt that the monthly events commencing at 05:00 would cause a disturbance from taxis arriving with a large gathering at this late hour and therefore refused this aspect of the application. The Hearing Panel agreed all other aspects of the application but added conditions to restrict the use of outside promoters and for ticket sales to cease 24 hours before any event.

Decision

To grant the licence with the following conditions:

1. Refusal of events running from 05:00 to 12:00
2. No outside promoters to hold any events
3. Ticket sales for events to be removed from sale 24 hours before the start time of the event

LACHP/20/127. New Premises Licence - Whistle Punks, Unit 20, Great Northern Warehouse, 235 Deansgate, Manchester, M3 4EN

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 applicant's agent addressed the Hearing Panel and explained the nature of the business and the condition requested by LOOH which had not been agreed. The business was an "urban axe throwing" venture with another premises in Bristol which was licensed to sell alcohol. LOOH had requested no alcohol sold to anyone partaking in axe throwing before or during this activity. The agent stated that the business had been adversely affected by the Coronavirus pandemic and were seeking to offer alcohol to their customers and stated that this had been requested by customers. The agents expressed that they would sooner have the control over a customer's alcohol intake as this would minimise the likelihood of customers "pre-loading" alcohol at an earlier venue.

An applicant expressed to the Hearing Panel that there are strong measures in place whereby axe throwing instructors build a rapport and make a judgement call on a person's ability to partake in the activity. The applicant further explained that a customer's alcohol intake would be slower due to them taking part in the activity.

A spokesperson for LOOH addressed the Hearing Panel and stated that they had paid a visit to the premises and felt that axe throwing coupled with drinking alcohol was a dangerous mix.

In their deliberations the Hearing Panel felt that the business already running with alcohol in Bristol without incident was a clear indicator that these were responsible applicants and that it was in fact safer to have customers alcohol monitored on site rather than risk anyone pre-loading before arriving to take part in the activity. The Hearing Panel felt certain that the licence could be granted as applied for.

Decision

To grant the licence.

LACHP/20/128. Temporary Event Notice - Puffin Box, Basement Hilton House, 26-28 Hilton Street, Manchester, M1 2EH

This Temporary Event Notice was withdrawn previous to the hearing and was therefore not considered.

LACHP/20/129. Urgent Business - New Premises Licence - Vertigo, Unit 9, 11 Jack Rosenthal Street, Manchester, M15 4RA - 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.