

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 8 June 2020

Councillors: Hughes, Lyons and Reid

LACHP/20/56. Urgent Business

The Hearing Panel agreed to take the following three items of Urgent Business:

New Premises Licence - Northern Lights Home, Unit G08, Flint Glass Wharf, 35 Radium Street, Manchester, M4 6AD – determination

New Premises Licence - Iconic Bar, 29 Richmond Street, Manchester, M1 3LZ – determination

New Premises Licence - Hip Flask, Bedroom 3, 43 Clowes Street, Manchester, M12 5FY - determination

LACHP/20/57. New Premises Licence - Aila J's Cafe, 68 Church Road, Manchester, M22 4NW - 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/20/58. New Premises Licence - Pepe's Piri Piri 430-432 Wilmslow Road, Manchester, M20 3BW

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 addressed the Hearing Panel and explained that the premises would be restricted to selling grilled chicken items to meet demand from customers, however, the applicant indicated that, since the submission of the application, they had reconsidered the hours for carrying out the sale of hot food and stated that they wished to amend this to 01:00 for opening hours to the public with a delivery service

being provided for customers until 03:00. The Hearing Panel noted that the change of hours (from an initial closing time of 05:00 to 03:00) had been prompted following discussions with local ward councillors, who had objected to the original application.

The applicant explained that the business has 3 to 4 staff employed who would be suitably trained to work within the shop, 1 to 2 drivers for deliveries and that 24 hour CCTV would be in operation to discourage anti-social behaviour.

When questioned, the applicant indicated that they would be taking appropriate steps to ensure that there was no breach of Covid regulations, that they would be applying social distancing rules and focusing more on delivery services.

The applicant stated that they have been suitably trained and had extensive experience in working in other food led establishments.

The Hearing Panel then heard representations from GMP who stated that they objected to the application on the grounds of public nuisance and crime and disorder. The Hearing Panel was advised that the local residents have had to endure disturbance for a number of years now caused by littering, damage and anti-social behaviour and that this had impacted upon their quality of life.

The Hearing Panel was advised that the premises is located within an area that was identified in the Council's statement of licensing policy as being subject to a stress policy. GMP reminded the Hearing Panel that there should be a strong presumption against all hot food takeaway applications when considering its decision and stated that, in their view, the premises had not demonstrated that it was an exceptional case for justifying granting the application.

Furthermore, the Hearing Panel heard from Licensing Out of Hours that the premises is located in the middle of a row of commercial premises, which includes takeaways, restaurants and alcohol venues, some opening until 4am and that to grant the application would only add to issues of public nuisance especially given the late hour for which the applicant was seeking to operate.

The Hearing Panel was referred again to the Licensing policy and in particular the Withington Stress area policy at section 5 which places restrictions on all new and variation applications being granted.

Licensing Out of Hours stated that in their view the application did not provide any confidence that the licensing objectives would be upheld.

Representations were also made on behalf of the South East Fallowfield Residents Group (SEFRG) and Fallowfield Community Guardians who reiterated that the premises was located within the Withington Stress Zone and that the licence should only be granted if the Hearing Panel deemed it to be an exceptional case. A representative for these community groups added that, if the application were granted, this would exacerbate current ongoing issues concerning late night anti-social behaviour particularly with persons leaving nearby pubs and clubs and seeking to buy food in the early hours of the morning. This would add to the stress of local residents who were being disturbed whilst trying to sleep.

Concerns were also expressed about the litter problems that are associated with late night takeaways and potential flashpoints for trouble that can occur in the area of such premises when people are congregating for food after leaving pubs and clubs in an intoxicated state. The view was expressed that the application should not be granted as it would compromise the licensing objectives.

The Hearing Panel took into account all written and verbal representations made by all the parties.

It also took into account the Council's licensing policy and in particular Section 5 which specifically addresses the issue of granting an application in a stress area.

The Hearing Panel were not satisfied that the applicant had demonstrated that the case was an exceptional case to justify granting the licence for the hours originally applied for or for the amended hours put forward at the hearing (despite local ward councillors agreement to such changes).

However, the Hearing Panel noted that the premises was already trading and no complaints about its working practices had been brought to their attention.

The Hearing Panel took this into account and felt that by imposing appropriate conditions the premises would be capable of upholding the licensing objectives for a shorter period of time than the hours originally applied for. The Hearing Panel noted that there were other food led businesses within the locality open until a later hour and felt that by restricting the licensable activities until 1am this would not add to the cumulative impact in the area, merely sharing the load of competing for trade from customers.

Therefore, in conclusion the Hearing Panel felt that the licence should be granted but the terminal hour for opening and carrying on the sale of hot food restricted to 1am Monday to Sunday with no deliveries after this time.

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

Decision

To grant the application subject to the following:-

Late Night Refreshment:
Monday to Sunday 23:00 to 01:00

Hours of opening:
Monday to Sunday 23:00 to 01:00

And the following conditions:-

1. The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licensed premises including all public entry and exit

points and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or a standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.) a secure storage system to store those recording mediums shall be provided.

2. All staff, including the premises licence holder, shall receive appropriate training with particular reference to the licensing objectives which will enable staff to recognise signs of drunkenness, how to refuse service and compliance with the premises duty of care. Documented records of staff training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or authorised officer of Manchester City Council.
3. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public. Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.

LACHP/20/59. New Premises Licence - Northern Lights Home, Unit G08, Flint Glass Wharf, 35 Radium Street, Manchester, M4 6AD - 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/20/60. New Premises Licence - Iconic Bar, 29 Richmond Street, Manchester, M1 3LZ - 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/20/61. New Premises Licence - Hip Flask, Bedroom 3, 43 Clowes Street, Manchester, M12 5FY - 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.