

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 15 March 2021

Present: Councillor Grimshaw – in the Chair

Councillors: Andrews and Reid

LACHP/21/17. Urgent Business - New Premises Licence - Squawk Brewing Company, Unit 4, Tonge Street, Manchester, M12 6LY - determination

The Chair had given consent to the addition of this application as an Item of Urgent Business.

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 subject to agreed conditions.

LACHP/21/18. New Premises Licence - Biskits Shakes Desserts Gelato, 478 Wilmslow Road, Manchester, M20 3BG - 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 subject to agreed conditions.

LACHP/21/19. New Premises Licence (Gambling) - TBC, 33-35 Piccadilly Manchester M1 1LQ

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

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

The applicant's agent addressed the Hearing Panel and informed them that the application was for a modern Bingo and Gaming machine premises located at Piccadilly Gardens. The agent stated that the premises had been closed since 2016 and that a planning application had been granted in 2018 for a mixed use premises, informing the Hearing Panel that the upper floors were to be a hotel and that the lower floor was to house the Gambling premises with the addition of a mezzanine. It was mentioned that the applicant currently held a Bingo licence since 2009 and had operated in the North East for the last 9 years. Two types of Bingo machines would be available, static and tablet devices that would link up to a national Bingo game with a large prize fund. The agent expressed that the indicative layout in the agenda would need to be flexible so as to cater to the needs of customers once the premises had opened, subject to the application being granted. It was stated that alcohol was not a request of this application and that a Challenge 25 and no under 18s policy would be adhered to. The agent confirmed that GMP had no objections, that LOOH recommended granting the application subject to agreements with their conditions, adding that no representations had been received from Local Ward Councillors, local residents or businesses.

During questioning it was raised that the business next door to this proposed premises was a gambling establishment and the applicant confirmed that the two premises would share information regarding persons who had self-excluded themselves from gambling via a national database.

The Principal Licensing Officer requested that the Hearing Panel consider whether the functions, risks and signage/frontage were acceptable, giving mention to Piccadilly Gardens as a very transient area with known street crime and other gambling premises already in situ.

In their deliberations the Hearing Panel felt that this was a responsible operator, already running in the North East, working closely with the authorities and other gambling premises. Whilst the applicant would be new to the Manchester area, the Hearing Panel felt certain that they would work closely with the Local Authority and felt it appropriate to grant the licence subject to conditions already agreed.

Decision

To grant the licence subject to conditions and for the applicant to note that they are invited to:

1. Liaise with the Premises Licensing team on completion of the gaming machine layout
2. Join the NiteNet scheme

LACHP/21/20. Closure Order - Kate & Luc Café/Restaurant, 213 Burnage Lane, Manchester, M19 1FN

Consideration was given to a report of the Head of Planning, Building Control and Licensing regarding a Review of a Premises Licence following a Closure Order.

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

GMP addressed the Hearing Panel and stated that they supported this Review and confirmed that they had received information from the public in January 2021 regarding a breach of Covid regulations. GMP then showed body-cam footage of three visits to the premises on 2, 5 and 7 February 2021. The visits were carried out jointly by GMP and LOOH.

In the footage from the three visits in February 2021, officers entered the premises and noted a number of seated diners without face masks (the number of patrons grew larger with each visit). The officers informed diners that no-one should be in any eating and drinking establishments under current regulations and asked them to leave. When officers spoke to the Premises Licence Holder he became agitated and aggressive towards the officers on each occasion, stating that he saw the officers as supporting a Nazi regime, that he didn't care and refused to exit the premises to discuss matters with officers, also swearing at them and telling them to leave.

After the footage was shown GMP requested the Hearing Panel take note of officers' patience with the PLH and asked them to revoke the licence due to the PLH's complete disregard of regulations and unwillingness to uphold the Licensing Objectives.

LOOH addressed the Hearing Panel and stated that they also supported the Review, confirming that there had been two visits to the premises prior to the incidents captured on the body-cam footage. LOOH had made attempts to engage with the PLH in January 2021 and noted that there were no face mask signs displayed. When offered face mask signs the PLH said he would accept them if he could put a cross through them. LOOH stated that they had attempted to explain requirements to the PLH but were interrupted by them and were therefore unable to do so. Following this an Improvement Notice was served on the premises and another visit made outlining a potential Fixed Penalty Notice of £2000. During this second visit the PLH had sworn at the LOOH officer and told them to leave. LOOH stated that the continued opening of the premises was a public health risk, that the PLH was not fit and proper to hold a licence and requested that the Hearing Panel revoke the licence.

The PLH and their appointed representative addressed the Hearing Panel to explain circumstances affecting the PLH at the time of these visits, stating that the PLH was experiencing mental health issues and was unable to apply for Covid grants due to another name remaining on the business from its previous incarnation.

In response to the above statements from the PLH and their representative, officers and Panel members stated that both issues had not previously been made apparent and could have been addressed by engaging with the officers.

In their deliberations the Hearing Panel felt that the PLH had only shown any regret or remorse at the hearing. The Hearing Panel were certain from observing the

footage and considering all the information presented to them, that the PLH was not a fit and proper person to possess a licence and not capable of upholding the Licensing Objectives and therefore, took the decision to revoke the licence.

Decision

To revoke the licence.