

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 14 February 2022

Present: Councillor Reid – in the Chair

Councillors: Grimshaw and Andrews

LACHP/21/14. Urgent Business - Application for a Premises Licence Transfer - Bhatti Jee Takeaway, 792 Hyde Road, M18 7JD

The Chair had agreed to the inclusion of this application as an item of urgent business.

Consideration was given to a report of the Director of Planning, Building Control and Licensing regarding a Premises Licence Transfer. This application had been due to appear before the Hearing Panel on 7 February 2022 but the applicant was unwell.

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

The applicant addressed the Hearing Panel and stated that they ran coffee houses on 3 sites, serving 8000 customers per month. The applicant informed the Hearing Panel that they had received training in many areas, notably Mentoring and The Samaritans, and was regularly running community events to help people in nearby locations with issues such as rehousing and ex-offenders. Ten staff were currently employed and the applicant wished to be able to employ more and keep business growing.

During questions from The Hearing Panel and GMP the applicant stated that his current convictions were for a violent assault and possession of an offensive weapon. The applicant stated that he was not in possession of the weapon but took advice from his Barrister to disclose this as information relevant to the case. The applicant stated that they were now considered to be “low-risk” and had no other convictions. GMP disclosed at this point that the applicant was under investigation for a current matter but there was no outcome as yet.

The legal advisor to the Hearing Panel confirmed that the details surrounding the current investigation should not be considered as there was no outcome or conviction as yet.

GMP addressed the Hearing Panel and confirmed the above regarding the applicant’s two convictions, stating that the assault charge is live until September 2028 and, therefore, GMP would request that the Hearing Panel refuse the application to allow for the full rehabilitation period.

In their deliberations, the Hearing Panel felt that it would be improper to step outside of the guidelines for this type of offence as it would undermine the Crime and Disorder legislation.

Decision

To refuse the Premises Licence Transfer.

LACHP/21/15. Urgent Business - Temporary Event Notice - Sol House, 117 Fairfield Street, Manchester, M12 6EL

The Chair had agreed to the inclusion of this application as an item of urgent business.

Consideration was given to a report of the Director of Planning, Building Control and Licensing regarding a Temporary Event Notice (TEN).

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

GMP addressed the Hearing Panel and stated that they were in objection to this TEN due to several issues with other previous events. GMP stated that they had held discussions with the Pastor connected to the premises regarding future events and asked that the Pastor contact them to give details of any upcoming events before any TEN application had been submitted. GMP stated that the Pastor kept this promise approximately 3 times and then notifications ceased. GMP referred to previous issues, namely; running events without a TEN in place, no clarity on who was employed as door staff, door staff having not been booked when this was an agreed condition on a TEN and having to seize alcohol at unlicensed events. In summary, GMP felt that the organisers of events at Sol House paid lip service to the legality of running events but then contravened them regularly. With regard to this TEN application, GMP noted that there was no crowd capacity in place and requested that the Hearing Panel serve a counter notice.

During questions from the Hearing Panel, GMP stated that the venue was not licensed and ran as a church and community events premises.

A representative from the Licensing and Out Of Hours team (LOOH) addressed the Hearing Panel and stated that the LOOH team had made many visits to Sol House for major issues. LOOH gave mention of TENs being agreed and then events bearing no resemblance to the type of event applied for, psychoactive substances and alcohol being consumed on the street by queueing patrons, holding events during lockdown, alcohol being seized, noise disturbance emanating from the premises, no clarity surrounding door staffing and substandard CCTV recordings. LOOH also requested that the Hearing Panel serve a counter notice.

No applicant or agent attended the hearing.

During summary the LOOH representative drew attention to the advertising for the current application, noting that the event had tickets for sale before any agreement had been made.

In their deliberations the Hearing Panel had grave concerns about the running of this venue and, from taking note of all the issues raised by GMP and LOOH, felt certain that allowing the event to take place would undermine the licensing conditions.

Decision

To serve a counter notice.

LACHP/21/16. Exclusion of the Public

The officers consider that the following item or items contains exempt information as provided for in the Local Government Access to Information Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Committee is recommended to agree the necessary resolutions excluding the public from the meeting during consideration of these items. At the time this agenda is published no representations have been received requesting that this part of the meeting should be open to the public.

Decision

To exclude the Public from the following hearing.

LACHP/21/17. Application for a Personal Licence - SH

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

The Hearing Panel considered the written papers and oral representations of all parties, as well as the relevant legislation and guidance. This application was deferred on 25 January 2022 as the applicant could not attend due to a family matter.

GMP addressed the Hearing Panel and stated that the applicant has a conviction from the mid 1990's that remains live due to the length of the prison sentence served and, therefore, had to raise an objection and inform the Hearing Panel.

GMP confirmed to the Hearing Panel that the applicant had no other convictions.

The applicant addressed the Hearing Panel and stated that they had attended courses and made previous applications leading to them holding a taxi licence and door security badge. The applicant stated that they are subject to DBS checks every year due to their security badge, adding that they are now married with children and settled. In their final comments, the applicant expressed that they had worked in retail and wished to continue in this capacity with their personal licence.

In their deliberations the Hearing Panel considered that the applicant had no other convictions since the mid-1990s and had since rehabilitated and kept other jobs and licences without any issues.

Decision

To grant the personal licence.