

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 4 April 2022

**Present:** Councillor Andrews – in the Chair

**Councillors:** Hewitson and Hughes

**LACHP/21/29. Application for a Premises Licence Variation - Swan Street Firehouse, 40 Swan Street, Manchester, M4 5JG**

The Hearing Panel were informed that all objections to the application had been withdrawn prior to the hearing and therefore no decision was necessary.

**LACHP/21/30. Application for a Premises Licence Variation - Greek Grill House, Great Northern Square, 235 Deansgate, Manchester, M3 4EN**

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

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, discussing the objections received. They stated that they had requested an increase in their hours from 2.00am to 5.00am. The applicant stated that LOOH had raised concerns around public nuisance in the area and only having one security guard working for the premises. GMP raised similar concerns according to the applicant. The applicant noted they have CCTV installed around the premises, which they felt acted as a deterrent to any public nuisance behaviour. They informed the panel that they had not had any issues at the premises with their customers and they do not usually have large crowds gathering near the premises. The applicant also informed the panel that they had not received any noise complaints. The applicant told the panel that they would be willing to explore increasing the number of security working at the premises from 2.00am onwards if necessary. The applicant noted that other premises in the area close at 4.00am and said they would be willing to reduce their request to this time. The applicant informed the panel that there had been an error on their application where they had selected to remove the condition regarding security. They stated this was not the case.

GMP sought to establish more information on what time the premises are vacated by currently, whether the applicant appreciated the differing customers they would get when extending their hours and what they thought about the additional noise the extra hours would create. The applicant stated that they close the shutters at 2.00am and have usually left by 3.00am. They acknowledged that they have been in the area at around 5.00am, which is why they had requested this change in hours. The applicant stated they acknowledged they would have different customers but were confident security could manage this. They would utilise security to ensure customers did not linger around the premises eating their food. The applicant understood the

difference in noise these hours could create, and restated they were happy to change this to 4.00am to be in line with other businesses in the area.

GMP then addressed the Hearing Panel, stating their concerns. GMP noted that the city centre becomes much quieter from around 4.15am which can be a relief to residents. GMP stated that if the hours applied for was moved back to 4.00am, this would encourage people to stay in the city centre and increase noise levels. Other businesses in the area that have a licence until 4.00am are physical buildings, which help to reduce the noise they emit, according to GMP. They stated that the area is already a noise sensitive one. GMP acknowledged that security employed by the premises have no authority to move people on in that area.

LOOH addressed the Hearing Panel, stating that from 2.00am to 4.00am, the main goal of Manchester City Council and GMP is quiet and safe journeys home. They noted that they already receive noise complaints from this area and these hours would only exacerbate this. LOOH informed the panel that they had recently taken legal action against buskers in the area for creating a noise nuisance. LOOH also noted that they had received noise complaints from another takeaway premises in the area.

The Panel asked LOOH about an incident involving the provision security listed in the report. LOOH stated that they performed a visit around four weeks ago and the security guard informed them that they were working for the premises. After investigation, LOOH found the security guard was actually working for a nearby premises at the time which undermined the Premises Licence conditions. The applicant had previously informed LOOH that this was an error but LOOH did not agree. LOOH also informed the panel that the premises had received a formal warning regarding litter around the site and the disposal of commercial waste in December 2021.

LOOH summed up by acknowledging that the premises had not experienced any serious issues but stated that the city centre becomes a different place after 2.00am. LOOH felt it to be unreasonable and unfair to the area if the application was granted.

In summing up, the applicant addressed the issue raised by LOOH about security. They stated that it had not happened before, but they do have security staff who work for other premises. The applicant informed the panel that this was an error from the security staff, and they had told them it could not happen again. The applicant also apologised for the disposal of waste, stating a member of staff used bins allocated to a different premises by mistake. The applicant finished by stating that they do not see people gathering in the area around their premises and creating any additional noise.

In their deliberations, the Hearing Panel were satisfied with the statements provided by GMP and LOOH that an extension to the hours would create a public nuisance, thus undermining the Licensing Objective of preventing public nuisance. The Hearing Panel agreed with GMP that this was already a noise sensitive area and to extend the hours would only exacerbate this.

## **Decision**

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