

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 11 July 2022

Present: Councillor Andrews – in the Chair

Councillors: Connolly and Hewitson

LACHP/21/54. Application for a New Premises Licence - YumCha, Unit 1B, Kampus, 44 Aytoun Street, Manchester, M1 3GL

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 application for a new premises licence.

LACHP/21/55. Application for a Premises Licence Variation - Around A Pound Plus, 168 Hollyhedge Road, Manchester, M22 9UE

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 heard from the applicant as to the proposed operations and running of the premises. The applicant stated that customers in the area had requested that the premises remain open later since a nearby store had reduced its terminal hour from midnight. This was a populated area near to the hospital and there was a requirement for later trading hours to support the community. The applicant confirmed that he had applied for a 24hour licence but expressed that 02:00 would be acceptable. The applicant noted the objections and understood these issues so stated that they would be happy to reach a potential alternative agreement.

In responding to questions from GMP regarding the need for further hours if a nearby store had reduced their hours, the applicant stated that it was not just for the sale of alcohol but for late night snacks etc. and expressed that he did not wish for alcohol to be the only late night selling point for the store. Mentioning a conversation with Trading Standards, the applicant did not desire to increase anti-social behaviour in the area. The applicant understood that the licence, if granted, was only for the activity of alcohol sales and added again that they would be more likely to cease trading at 02:00, even if awarded a 24hour licence. GMP enquired about the use/need for a night hatch and the applicant stated it may only be used between 01:00 and 02:00. With regard to the overall application, GMP stated that the applicant

appeared to want to change the terms at the hearing but added that they can only address the application in the format that it is received and the applicant understood.

In response to questions from LOOH, the applicant stated that staff already clean and clear the outside of the premises and request customers not to litter, that the shop would improve the area with it's modern frontage which has brightened up the shopping parade, adding that the footpath has been re-surfaced and CCTV had helped decrease anti-social behaviour. The applicant stated again that they were prepared to scale back from the requested 24 hour licence.

GMP addressed the Hearing Panel and stated that the applicant seemed to understand the objectors' viewpoints and was clearly looking to steer away from a 24 hour licence. GMP suggested that the applicant may wish to withdraw and re-submit the application but requested that the Hearing Panel refuse the application in its current format.

LOOH addressed the Hearing Panel and stated that granting the application would lead to nuisance and quoted from Section 7 of the Licensing Policy. The premises would be a likely destination for late purchases of alcohol, congregations outside the premises, noise disturbance, litter and anti-social behaviour. There were not enough conditions on the licence to uphold the licensing conditions and LOOH requested that the Hearing Panel reject the application.

A Local Ward Councillor addressed the Hearing Panel and stated that the other Ward Councillors and residents were opposed to the request for a 24 hour licence and noted that the shopping parade was privately owned, adding that the owner lived outside of the UK and wouldn't add gates to the complex. Regarding the parade, many of the improvements there had been due to volunteer activity. The Ward Councillor mentioned that the premises was located near a home for older people and has been a hotspot of anti-social behaviour, somewhat alleviated by GMP interventions. The Ward Councillor requested a rejection of a 24 hour licence and any other later hours.

The applicant expressed that they were already working with the Wythenshawe Warriors and were open to exploring further options to improve the local situation.

In their deliberations, the Hearing Panel considered that the applicant had taken note of the objections and was looking to scale back the request but felt that the area was inappropriate for a later licence, with many objections and another local store reducing its hours voluntarily. The Hearing Panel felt that any later hours permitted would not uphold the licensing objectives.

Decision

To refuse to issue the licence.