

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 6 February 2023

Present: Councillor Andrews – in the Chair

Councillors: Evans and Connolly

LACHP/23/11. Sex Establishment Licence Renewal - Obsessions, 2b Whitworth Street West, Manchester, M1 5WZ

The Hearing Panel considered a report from the Head of Planning, Building Control and Licensing.

The Licensing Unit Officer addressed the Hearing Panel, noting that this was a renewal application and that one objection had been received from a local resident. The objection had referenced that the premises being in a central location did not reflect well on the city. The resident felt that those arriving at Deansgate station would first be greeted with the establishment and they believed that should not happen. The resident also believed that the exterior of the premises is poorly maintained. The Licensing Officer stated that for a refusal, mandatory grounds or discretionary grounds must be met. They noted that no mandatory grounds had been, and the panel must decide if any discretionary grounds had been met.

The applicant's agent addressed the Hearing Panel, noting the objection appeared to have been made on moral grounds. They referenced the objection that stated the premises was 'bringing the area into disrepute', that it was a 'repulsive establishment' and an 'unsavoury enterprise'. The applicant's agent stated that moral grounds were not a reason for refusal. They stated that the applicant's were experienced operators and the premises had been Licensed since 2006, with the renewal granted each time. GMP had recently visited the premises, confirming that the applicant had been meeting all conditions of the Licence. The objector referenced the exterior of the premises being poorly maintained but the applicant's agent stated that this was not the case, and the property was well maintained. The applicant's agent felt that no discretionary grounds for refusal had been met and asked the panel to grant the application.

The panel sought clarity on how long the Licence had been held. It was confirmed that the Licence had been held since 2006.

The Licensing Unit Officer summed up by stating that the Hearing Panel must have regard to the Council's policy for Sex Establishments, information submitted as part of the application, any observations submitted to it by the Chief Officer of Police and any objections received from anyone else within 28 days of the application. An application should only be refused where the Hearing Panel are satisfied it is necessary and proportionate, with any decision made on non-discriminatory grounds. The Hearing Panel could impose conditions, alongside those agreed as standard conditions for a Sex Establishment.

The applicant's agent summed up by stated that the objector had provided no evidence to substantiate their written statement and that no mandatory or discretionary grounds for refusal were appropriate in this renewal. The applicant's agent requested that the panel grant the renewal as applied for.

In their deliberations, the panel noted the Licensing Unit Officer's statement that no mandatory grounds for refusal had been met. They took note of the representation received from a local resident but accepted that no discretionary grounds for refusal had been met.

Decision

To grant the renewal as applied for.

LACHP/23/12. Sex Establishment Licence Renewal - Victoria's, Part Basement, 8 Dantzic Street, Manchester, M4 2AD

The Hearing Panel considered a report from the Head of Planning, Building Control and Licensing.

The Licensing Unit Officer addressed the Hearing Panel, noting that this was a renewal application for which no objections had been received. They stated that the hearing panel could only refuse the application on the basis that any of the mandatory or discretionary grounds had been met. The Licensing Unit Officer stated that no mandatory grounds had been met but it was a matter for the panel to decide if any discretionary grounds had.

The applicant's agent addressed the Hearing Panel, stating that the applicant had been operating for several years, highlighting their experience. They noted that no objections had been received and that they felt no discretionary grounds for refusal had been met.

The Licensing Unit Officer summed up by stating that the Hearing Panel must have regard to the Council's policy for Sex Establishments, information submitted as part of the application, any observations submitted to it by the Chief Officer of Police and any objections received from anyone else within 28 days of the application. An application should only be refused where the Hearing Panel are satisfied it is necessary and proportionate, with any decision made on non-discriminatory grounds. The Hearing Panel could impose conditions, alongside those agreed as standard conditions for a Sex Establishment.

The applicant's agent had nothing to add when invited to sum up.

In their deliberations, the panel noted the Licensing Unit Officer's statement that no mandatory grounds for refusal had been met. The panel also accepted that no discretionary grounds for refusal had been met.

Decision

To grant the renewal as applied for.