

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Tuesday, 9 May 2023

Present: Councillor Grimshaw – in the Chair

Councillors: Hilal and Hewitson

LACHP/23/25. Application for a New Premises Licence - The Lower Stables, St John's Development, Grape Street, Manchester, M3 4PG

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

In line with the established procedure, the Hearing Panel heard from the Applicant's Representative who advised that the premises is situated in a location where a "new neighbourhood" is taking shape, comprising of residential premises, offices, and hospitality venues. The Hearing Panel was told that the premises is "self-contained" and there is no application to licence any outside area. The Panel heard that it was likely residents had mentioned the outside area in their representations as there had been a public realm application made for the area (which had subsequently been withdrawn) and that this had likely caused some confusion.

The Applicant's representative took the Panel through the plans of the location and described to the members how dispersal would take place. The Panel was advised that there is a gate in place which restricts patrons from accessing Lower Byrom street. The resident's representations were described by the Applicant's representative as falling into two general categories, the first of which were in relation to the dispersal of people cutting through on to Lower Byrom Street. It was explained to the Panel that the Applicant had met with The Licensing and Out of Hours Team at the location, a local Ward Councillor and one resident Anna Wooley who had taken up the offer of a meeting at the location to demonstrate how customers would disperse from the premises. The Panel noted that no other residents attended although they had been invited to attend. Following the meeting a condition was agreed with The Licensing and Out of Hours Team to address the issue of dispersal as follows.

There shall be restricted access on Grape Street to ensure that customers cannot reach Atherton Street or Lower Byrom Street from Grape Street. Customers shall be directed to disperse from Grape Street onto Goods Yard Street (as shown on the attached dispersal plan, with permitted routes in green and blocked access in red). Amended dispersal policy- also attached.

It was highlighted that this should also address the concerns of the residents regarding noise out break from dispersal.

The second category of residents were described by the Applicant's representative as persons concerned with the terminal hour and dispersal up Goods Yard Street.

The Panel was told that the premises is only likely to hold 150/180 patrons who would gradually disperse over the evening. In addition, the proposed area was to be served with 24/7 security across the estate which would ensure patrons leave in an orderly fashion. As previously stated by the Applicant's representative, there is no outside licensable area so there will be no noise out break from this area. It was submitted that the premises is in an appropriate location and appropriate hours have been applied for which are not out of step with other licensed premises in location. The Applicant's representative concluded by confirming the licensing objectives will be upheld.

In reaching its decision the Committee also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder, and the Guidance issued by the Secretary of State under Section 182 of that Act and the Licensing Objectives.

The Panel carefully considered the written representations made by the residents living in the area and took into consideration that none of the residents had attended the hearing. The Panel was satisfied that the Applicant was a responsible operator, and that this would be a well-run establishment. The Panel had heard in detail how the premises would operate and the lengths the operator will go to make sure there are no issues with dispersal from the premises. The Panel resolved that it was evident in the application itself and as confirmed by the Applicant's representative in the hearing that there was no application for the outside area to be licensed, and therefore there would be no noise emanating from any outside areas.

The Panel took into account the location of the premises such that it is in a mixed-use area in the City Centre and the statement of Licensing Policy which states:

7.28 Where its discretion is engaged, the licensing authority will give consideration to the appropriateness of hours applied for, having regard to the location of premises and their likely effect on the promotion of the four licensing objectives...

The Panel also took into account that the Applicant has tried to engage with residents and meet with them to discuss this application, noting that the Statement of Licensing Policy states:

Communication and integration with local residents and businesses

6.3 The licensing authority considers it extremely important that licensed premises operate as good neighbours within their community.

6.4 Licensees are encouraged to consult with local residents, businesses and local councillors prior to submitting an application for a new licence or variation of an existing licence to ensure the promotion of the licensing objectives and ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage.

The Panel considered all of the conditions set out in the proposed operating schedule and the additional condition requested by The Licensing and Out of Hours Team and was satisfied that those conditions addressed 'relevant concerns' raised by the residents. The Panel therefore conclude the licensing objectives will be upheld.

Decision

To grant the application as applied for (with the conditions set out in the operation schedule) plus the following condition agreed with The Licensing and Out of Hours Team:

- 'There shall be restricted access on Grape Street to ensure that customers cannot reach Atherton Street or Lower Byrom Street from Grape Street. Customers shall be directed to disperse from Grape Street onto Goods Yard Street (as shown on the attached dispersal plan, with permitted routes in green and blocked access in red).'

LACHP/23/26. Application for a New Premises Licence - La Buka African Cuisine Ltd., 286-288 Moston Lane, Manchester, M40 9WB

The Hearing Panel was informed that an email had been received from the Applicant requesting that the matter is adjourned as he was unable to attend due to work commitments.

All parties who had arrived for the hearing confirmed that they did not object to the matter being adjourned. The Panel also took into consideration that no prejudice to any party since the premises was not currently operating and further that it was in line with the principles of natural justice to give the Applicant an opportunity to attend to put their case.

The Hearing Panel subsequently agreed to adjourn the matter until the 22 May 2023 at 10.00am

Decision

To adjourn the matter until the 22 May 2023 at 10.00am