

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 31 July 2023

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

**Councillors:** Connolly and Judge

**LACHP/23/65. Application for a New Premises Licence - First Time Pizza, 8a Lane End Road, Manchester, M19 1WA**

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.

The applicant addressed the Hearing Panel and stated that this was an application for Late Night Refreshment hours of 23:00 to 01:00, there had been objections and he would like to work on a solution at the hearing today.

In answering questions from a member of the city council Neighbourhoods Team, and 2 residents, the applicant stated that:

- Other local takeaways operate until late
- First Time Pizza currently operated until 23:00
- The premises were aware of litter issues in the area and would maintain cleanliness on Lane End Road
- Footfall in the area is not something the premises had any control over
- He agreed that he would be concerned about conditions if this was his neighbourhood
- He was aware of parking issues in the area due to demand for take away food
- He would display signage to deter parking issues and ask people to move on
- He would also display signage regarding litter
- There was very little he or the business could do about ASB
- A family member ran the local Miami take away
- He was responding to the demand for take away food
- He could only represent himself/his business and not speak for Miami take away
- He would speak to the council regarding waste and extra bins
- He did not need planning permission to be working on the premises

The Neighbourhoods Team representative addressed the Hearing Panel and stated that they knew the area well and there was a large amount of take-aways. These have had a negative impact on the area with litter and illegal parking. Lane End Road and Burnage Lane are residential areas. Businesses are encouraged to keep their shop fronts clean but this does not stop litter being thrown from parked cars on the street. The nearby Tesco contacted the Neighbourhoods Team about the litter problem in their car park and a request for more bins. The current street waste bins are constantly filled to capacity every day. They are also emptied every day. There

has been efforts to address the problem by the city council but the waste contractor have struggled with the amount of waste. Parked cars often block the entrance to Southways Housing Trust car park. There are 5 street bins on this stretch of road and litter everywhere. The city council have a litter enforcement team but they cannot concentrate on one area only. This team have been commissioned to do overtime due to the issues in this area but have other Wards to cover. There are no designated parking bays for the take-aways and parking enforcers cannot be in one area only. Neighbourhoods made a visit to the area with GMP and Local Ward Councillors. It was noted that people pull up in cars and park in the middle of the road and display their hazard warning lights, go into a take-away, leaving cars backed up behind the parked vehicle. This creates a dangerous traffic jam. GMP have been asked to watch the area but, again, can't be there all the time. One more take-away would add to these already prevailing community issues in this area of Burnage, increasing tension for residents. It is not possible to put extra resources into the area, the waste contractor is unable to take extra waste away and the issue is causing litter, parking and traffic issues and ASB.

Councillor Connolly asked what plan was in mind when visits were made with GMP and Ward Councillors. Neighbourhoods answered, stating that it was a multi-agency action plan. Businesses agreed to clean shop fronts, one agreeing to cleanse the full length of Lane End Road, agreements made on signage regarding litter and parking, litter pickers and brushes were given out to businesses. The Compliance Team served Section 47s. GMP were contacted to make extra patrols in the area. Litter enforcers and parking attendants were also requested to make extra patrols. Neighbourhoods and the Compliance Team made extra visits. Conversations were had with MPs. Guard railings have been considered with a site visit made by the Highways Team. This has all cost the city council money. Neighbourhoods then confirmed that all businesses on Lane End Road had complied with requests and that one more bins was to be added.

Councillor Judge asked about traffic accidents and Neighbourhood's responded to say that were not aware of any but had received pictures and videos from residents.

Resident 1 addressed the Hearing Panel and stated that litter picked begun during lockdown and it was noted that 90% of the litter was from take-aways. People were coming down the road and dropping litter. There was a grit bin at an over 60s housing complex and this was overflowing with litter. This had made the grit bin inaccessible in icy weather which was a hazard. Most customers come from out of the area to visit the take-aways. There have been many arguments over the bad traffic and blocked roads as people park illegally to get their take-away meals. Customers are given tickets as they can have 30/40 minutes waiting times. There are rats and now seagulls which never used to be in the area. People don't seem to care about littering as it isn't where they tend to live. There has even been human waste in Tesco car park as restaurants display signs stating that only customers can use their toilets.

Resident 2 addressed the Hearing Panel and stated that there are issues with vermin and that this was a nice residential area. The location is now saturated with take-aways. If people don't live in the area they don't seem to care about it. People have reported having rats in their gardens and, having lived there for 36 years, this is a

new thing. It was questioned how many take-aways an area needed and the resident added that there are no normal every-day shops. During litter picking there have been unmentionable findings.

The applicant questioned whether the oversaturation of take-aways in the area was a valid representation and the legal advisor to the Hearing Panel confirmed that it was not relevant, adding that the test for the Hearing Panel was whether the applicant could uphold the licensing objectives.

Resident 1 summed up their case by stating that it was daunting to have to come before the Sub-Committee and applicant and added that other residents wished to come but couldn't attend at 10:00 on a Monday morning.

The legal advisor to the Hearing Panel confirmed that all written representations would be taken into consideration.

The Neighbourhoods Team representative summed up by stating that take-aways have a responsibility but are not helping with the issues of litter, parking, vermin. They have been asking customers to be respectful but this isn't working.

The applicant summed up their case by stating that he understood the issues raised and would show commitment to the causes if the application was granted. He proposed that the requested hours on the application of 23:00 to 01:00 would be for delivery only, no walk ins, which would help to alleviate the issues raised.

In their private deliberations, the Hearing Panel considered that the premises did not require a licence to trade up until 23:00 and could only base their decision on the hours applied for. They felt that the applicant's offer of delivery only for the hours requested was a reasonable compromise and granted the licence as applied for with this as an additional condition.

## **Decision**

To grant the licence as applied for with the additional condition proposed by the applicant that trading between 23:00 and 01:00 would be delivery only.

### **LACHP/23/66. Application for a Premises Licence Variation - The Red Lion Hotel, 530-532 Wilmslow Road, Manchester, M20 4BT**

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.

The applicant's agent addressed the Hearing Panel and stated that an objection had been received from a nearby street which did not have a view of the beergarden for which the licence request was placed. There were around 65 residents in the vicinity of the premises and only 5 objections. The applicant was J W Lees brewery who were now run by the seventh generation of the family. The Red Lion pub was acquired from Marstons in 2020 where the current Manager was then in post.

Marston's lost interest in the pub and the clientele was younger, cheap alcohol was on sale and live sports were shown. Many of the representation will have based on the previous operations at the pub. J W Lees had refurbished the premises, attracted a different clientele (families and workers at nearby Christies Hospital) and removed sporting events. 1 resident remained unchanged in their complaints about the running of the premise and efforts had been made on numerous occasions for them to engage with staff but they had not complied and were not at the hearing today. The most recent complaint was about loud music in June 2023 which transpired was coming from a neighbour watching the Glastonbury festival in their garden. Sean, the current General Manager, has previously run a premises in Lancaster with an outdoor bar. The Red Lion team are upset by the representations against their application and would like objectors to understand that they wish to manage their pub efficiently. The plan is to alleviate pressure on staff who currently take orders from customers seated outside, then have to come to the indoor bar to have drinks prepared before going back out to the beergarden area again. The outdoor bar would alleviate this and would only be in use in good weather. Previous TENs to use the outdoor bar had been called off due to bad weather which made the point on its future use. It was already lawful practice for customers to order and drink alcohol in the outdoor area but the current licence did not permit the sale of alcohol outdoors. The outdoor bar would be supervised and monitored at all times. There was no rowdy, loutish behaviour at the premises and the one report of a fight was a disagreement between two brothers who were escorted off the premises. Councillor Wills (for Withington Ward) had discussed matters with other Ward Councillors and agreed that, save for smokers, the outdoor area would be closed to patrons at 23:00 and no drinks would be allowed outside after this hour. Currently, patrons were allowed in the outdoor area until midnight. Any customer displaying bad behaviour could be removed and barred. J W Lees seek to maintain good behaviour in their establishments. There was an objection to the initial soft opening and this objector did not attend. The premises would host a residents forum for any views to be expressed. In closing, J W Lees ran other premises with beer gardens next to residential areas and it was considered that many in the community would be happy with the changes implemented by the J W Lees team at The Red Lion.

## **Decision**

To grant the application as applied for with the additional condition that the grassed area/bowling green would not form part of the licensed area.

### **LACHP/23/67. Application for a New Premises Licence - Panacea, Basement, Ridgefield House, 14 John Dalton Street, Manchester, M2 6JR**

The pane noted that the application had been rescheduled to 14 August 2023.

### **LACHP/23/68. Application for a New Premises Licence - Sweet!, 9 Stevenson Square, Manchester, M1 1DB**

The panel noted that the application had been withdrawn.