

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 11 September 2023

Present: Councillor Andrews – in the Chair

Councillors: Flanagan and Hughes

LACHP/23/85. Urgent Business - Temporary Event Notification - Outside clothing shop, Spear Street, Manchester

The Chair was notified that the Notice had been withdrawn.

Decision

To note the withdrawal of the Notice.

LACHP/23/86. Application for a New Premises Licence - Fay's Café, 815 Rochdale Road, Manchester, M9 5XD

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

The Hearing Panel was informed that this was an application for a small scale premises which intended to operate as a coffee shop / restaurant serving Eritrean food. The Applicant had agreed to a condition which restricted the sale of alcohol to patrons seated at a table and ancillary to a meal. The Panel noted that the premises was small and had previously operated as a hardware store. The Panel also noted that the premises was in a densely populated area close to residential premises and also close to schools.

The Panel took into consideration that concerns had been raised about use of the cellars and upper level of the premises effectively extending the premises. The premises floor plan that was attached to the application was considered, which set out that this illustrated 24 covers on the ground floor. In order to provide some flexibility to accommodate furniture changes/ moves or patrons attending with small children the Panel resolved that it was appropriate for the premises to operate with a maximum of 30 covers at one time restricted to the ground floor of the premises only. The Panel resolved that given the size of the premises and its location, should there be more than 30 patrons inside the premises this would be likely to cause a nuisance to local residents. The Panel noted that the Applicant would open the premises only once he had obtained his personal licence in order to be the Designated Premises Supervisor.

Overall taking into account the hours, the restriction placed on sale of alcohol and the size of the premises, the Panel was satisfied that a licence granted on these terms should not undermine the licensing objectives as long as it was robustly managed. The Panel therefore considered it appropriate to grant the licence on these terms.

Decision

To grant the application as amended following agreement with Licensing Out of Hours and with the following additional condition.

1. Capacity of the restaurant limited to 30 patrons at any time.