

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 25 September 2023

Present: Councillor Flanagan – in the Chair

Councillors: T Judge and Reid

LACHP/23/89. Application for a New Premises Licence - St Johns Estate Public Realm, off New Quay Street, Manchester

The Hearing Panel received a request from the Applicant's Representative (Kyuits) that the hearing be deferred for a minimum of 4 weeks. It was explained that this had been put forward to allow for engagement with those who had submitted a representation with a view to a resolution of concerns regarding the location of waste and litter bins at the premises.

Decision

To defer the hearing until 23 October 2023.

LACHP/23/90. Application for a New Premises Licence - Ambrosia Trading Ltd., 148 Oldham Road, Manchester, M4 6BG

The Hearing Panel were informed that all representations had been agreed and withdrawn, and therefore no decision was necessary.

LACHP/23/91. Application for a New Premises Licence - Island Lounge, 645 Mauldeth Road West, Manchester, M21 7SA

A request was received from the Applicant's Representative that the hearing be adjourned to a future hearing date.

A representative from GMP attended the hearing who confirmed that there was no objection to the deferral of the matter.

Decision

To defer the hearing until 16 October 2023.

LACHP/23/92. Application for a New Premises Licence - Zula, 312 Platt Lane, Manchester, M14 7BZ

A request was received from the Applicant's Representative that the hearing be adjourned to a future hearing date.

A representative from GMP attended the hearing who confirmed that there was no objection to the deferral of the matter.

Decision

To defer the hearing until 16 October 2023.

LACHP/23/93. Application for a New Premises Licence - Witch Kings Rum, 312 Slade Lane, Manchester, M19 2BY

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

The Panel noted that whilst there were no representations from the Responsible Authorities, a number of local residents had expressed their concerns regarding issues of noise nuisance, anti-social behaviour, and traffic congestion in the area. Two residents attended the hearing and highlighted that there were families with young children and older residents living in sheltered accommodation in the vicinity and that any adverse noise emanating from the premises would have a detrimental effect upon their quality of life. Concerns were expressed about potential noise levels when music, including Jazz was being played and when patrons were leaving the premises late at night. Additionally the Panel the Panel was advised that parking in the area was an existing concern for local residents and that it was suggested that those issues would increase should the licence be granted. A resident also highlighted that on several occasions his own driveway had been obstructed.

The Panel carefully considered the Applicant's representations and felt that the application provided robust conditions which provided confidence that the licensing objectives would be upheld, subject to certain amendments being made to those conditions.

The Panel noted that the premises was to be a food-led business providing an asset and meeting place for the local community. It noted that the premises had recently operated under several Temporary Event Notices (TENs) and that there had been no formal complaints made with the Licensing Out of Hours team regarding the licensable activities.

The Applicant stated that the premises was seeking to provide licensable activities of a more family oriented offer with the promotion of specific aspiring acts whilst being mindful of the need to regulate the noise levels at the premises given the legacy of the previous operator. The Applicant felt that they had wrongly been compared to the previous owners and how the premises had been run before, with late night drinking being a common feature causing disturbance to residents.

The Panel also took into consideration that the premises had endeavoured to liaise with residents to attempt to alleviate any concerns that they may have. It noted that one of the Directors lived in accommodation above the licensed premises and was therefore able to diffuse any disturbance / noise made by patrons at or leaving the premises.

The Panel did however resolve that it was appropriate to reduce the opening hours and in particular the hours that customers could use the outside seating areas.

In reaching its decision, the Committee considered the Licensing Act 2003, licensing objectives, Section 182 guidance and the Council's Statement of Licensing Policy.

Decision

To grant the application subject to the following amendments: -

Regulated Entertainment:

Sunday to Thursday 9am to 11pm
Friday and Saturday 9am to midnight

Supply of Alcohol:

Sunday to Thursday 9am to 11pm
Friday and Saturday 9am to midnight

Late Night Refreshment:

Friday and Saturday 11pm to midnight

Opening Hours:

Sunday to Thursday 9am to 11.30pm
Friday and Saturday 9am to 00.30am

Seasonal Variations

Films / Live Music / Recorded Music / Late Night Refreshment / Supply of Alcohol

From the start time on New Year's Eve to 3am on New Year's Day
One additional hour on days preceding Bank Holidays
One Additional hour on Halloween, Christmas Eve, and Boxing Day

Plus, the addition to the premises licence of the conditions proposed by the Applicant save for condition 18 which shall be replaced with:-

"The external areas shall cease to be used for drinking and / or dining between the hours of 10pm and 10am, including bank holidays"

Furthermore, the conditions agreed with Licensing Out Of Hours shall be added to the licence with Condition 1 amended as follows:-

Deliveries and collections relating to licensable activities at the premises will only take place between the hours of 9am to 11pm Sunday to Thursday and 9am to midnight, Friday and Saturday including Bank Holidays. Deliveries can only be carried out by recognised and trained operatives.