

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 11 December 2023

**Present:** Councillor T Judge – in the Chair

**Councillors:** Hilal and Riasat

**LCHP/23/108. Application for a New Premises Licence - N & W Convenience Store, Unit 3, 163-165 Great Ducie Street, Manchester, M3 1FF**

The Hearing Panel were informed that all representations had been agreed and withdrawn, and therefore no decision was necessary.

**LCHP/23/109. Application for a New Premises Licence - Frenchies, 375 Victoria Avenue, Blackley, Manchester, M9 8WQ**

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above applications. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation. The Chair used the agreed procedure to conduct the hearing.

The applicant addressed the Hearing Panel, noting they were applying for a late-night licence until 5.00am. The applicant accepted they had been opening until 5.00am without the necessary licence for around a year. They stated they were unaware of the need for a licence to operate a takeaway until this time but once made aware by a council officer, they stopped. The takeaway mainly operates through takeaways rather than in-store customers. The applicant noted that the objections centred on noise and gave assurances to the panel that there would be no noise. The applicant stated they could hire a manager for the late nights that has experience of managing noise levels. The applicant stated they were part of the community, living locally and would not want to cause unnecessary disruption to other residents.

The panel queried if the Premises had received any complaints when open until 5.00am, why they wanted to open till that time, how they would mitigate the noise of delivery drivers and if any other local businesses were open till a similar time. The applicant said they had received no complaints. They wanted to open until 5.00am as there was a potential for extra business in those hours. They would mitigate the noise of delivery drivers by only using drivers employed by the business, rather than external operators. Those drivers only drive either a hybrid car or electric bike, which make less noise. The applicant stated there was two local petrol stations that were open for 24 hours. They noted their willingness to work with local people.

The panel's legal representative queried if the premises would be open from 11pm to 5.00am for deliveries only, or if customers could walk-in too. The applicant confirmed it would be for walk-ins and deliveries.

LOOH queried the current operating hours, the number of staff they would employ at night and how they would manage noise within the Premises. The applicant stated they currently open from 5.00am until 11.00pm. They would have two staff on-site,

with three delivery drivers working after 11.00pm. The staff employed on-site would be SIA trained. Staff would be trained in managing noise emanation from the premises. The applicant noted they had previously operated an Off Licence.

LOOH addressed the Hearing Panel, noting their concerns that the application would become a cause of public nuisance. They noted this was a residential area which was quiet over night and this application would only increase disturbance. LOOH had concerns over both deliveries and walk-in customers creating further noise. LOOH noted that no other Premises had a licence until that time in the area.

The panel's legal representative queried how LOOH became aware of the premises operating until 5.00am. LOOH confirmed that was from a complaint from a local resident.

A local ward councillor addressed the Hearing Panel, stating that no other Premises had a licence beyond 11.00pm in the area. They had concerns that the applicant had been operating without a Licence previously. They felt the applicant could not uphold the Licensing objectives and that this was too much of a residential area for such an application. The local ward councillor had concerns that accidents could increase from delivery drivers entering the main road from a darker side road.

The applicant queried if the councillor had any figures on the number of road-related accidents that had occurred in that area. The councillor did not but reiterated their concerns that this application could lead to an increase, noting extra enforcement in the area to deal with speeding problems.

The local ward councillor summed up by stating that local residents had made complaints, and they were still unsure on why the applicant had requested until 5.00am. They reiterated that no other local business had a similar licence.

LOOH summed up by stating that they were not satisfied the conditions presented were strong enough to uphold the Licensing Objectives, particularly the prevention of public nuisance. They recommended that the panel refuse the application.

The applicant summed up by stating that they wanted the Licence to grow the business. They noted they live in the area and want to add to the community, not detract from it.

In their deliberations, the Hearing Panel considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives. The panel had concerns that the premises had operated without a licence but accepted that the applicant was unaware of the need for one. The panel accepted that the premises was in a residential area, whereby no other premises had similar operating hours. The panel did note that the applicant had stated that the vehicles used for delivery would be hybrid or electric. The panel also noted that, whilst complaints had been received, they were minimal in number.

## **Decision**

To allow for the Premises to operate until 2.00am on a Friday and Saturday only, utilising hybrid or electric vehicles only for deliveries.

**LCHP/23/110. Application for a Gambling Premises Licence Variation - Manchester 235, 2 Watson Street, Manchester, M3 4LP**

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

**LCHP/23/111. Application for a Premises Licence Variation - Wilbraham Market, 561 Wilbraham Road, Manchester, M21 0AE**

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above applications. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation. The Chair used the agreed procedure to conduct the hearing.

The applicant addressed the Hearing Panel, stating that they wanted to amend their hours. They were an experienced operator who had run their shop for a while. They had never had any issues with customers and never received any complaints. There were similar premises in the area with similar licenses to the one applied for. The applicant noted there were no residents close to the premises except in the flat above the shop where a member of staff from the shop lived.

The panel asked the applicant to confirm that the current hours and requested hours were as printed in the report. They confirmed that was correct.

The applicant summed up that they were an experienced operator who managed the shop well.

In their deliberations, the Hearing Panel considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives. The panel were satisfied that they had seen no evidence of any issues caused by the premises. The panel noted the lack of representation from any responsible authority. The panel did note the one representation received from a local resident.

**Decision**

To grant the variation as applied for.

**LCHP/23/112. Application for a Premises Licence Variation - Premier Convenience Store, 475 Wilmslow Road, Manchester, M20 4AN**

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