

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 18 December 2023

**Present:** Councillor Connolly – in the Chair

**Councillors:** Andrews and Riasat

**LCHP/23/113. Application for a New Premises Licence - My Thai, 178 Burton Road, Manchester, M20 1LH**

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 an experienced operator. They apologised for the error on their application form that stated there would be external music. They confirmed this was incorrect. The applicant noted they had addressed and agreed conditions with both Greater Manchester Police and Licensing Out of Hours.

A ward Councillor, acting as an Interested Party, asked questions of the applicant. From those questions, the applicant stated that in their agreements, bifold doors would be closed at 10.00pm to stop noise emanating from the Premises. They noted that any music in the Premises would only be background music and would not be loud. The applicant was willing to amend their application to stop serving alcohol at 10.30pm to allow customers 30 minutes to finish their drinks before the Premises closed at 11.00pm.

The ward Councillor addressed the Hearing Panel, stating that they were happy that the applicant was willing to amend their application to allow for drinking up time. They still, however, had concerns regarding noise emanation from the bifold doors. The ward Councillor requested that the Panel considered an earlier closing time for the doors, such as 9.00pm.

The ward Councillor summed up by noting that they appreciated the reduction to 10.30pm for the sale of alcohol but still felt that the bifold doors should have an earlier closing time to reduce noise emanation.

The applicant summed up by stating that music would never be played loud and was only to be in the background. The applicant planned to remain at the site for a long-time. They noted that most staff had been made partners in the business.

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 noted that no representations remained from the responsible authorities, following agreement and subsequent withdrawal of the representations of GMP and LOOH. The panel were satisfied that the applicant had

offered to reduce the hours for the sale of alcohol to end at 10.30pm. The panel did not see it necessary to reduce the time that the bifold doors could remain open until and were satisfied for that to remain as 10.00pm.

### **Decision**

To grant the application with the additional conditions agreed with GMP and LOOH, and the last sale of alcohol to be at 10.30pm.

### **LCHP/23/114. Application for a New Premises Licence - McDonald's, 10 Queens Road, Manchester, M8 8UF**

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's agent addressed the Hearing Panel, noting that McDonald's was an established business, looking to apply for the hours of 23.00 to 05.00 Monday to Sunday, for which Planning Permission had previously been granted. The applicant's agent noted that paragraph 9.12 of the Section 182 guidance states that responsible authorities are to be deemed as experts on upholding the Licensing Objectives. They noted that no responsible authority representations remained, with Licensing Out of Hours the only one to have a representation but that was subsequently withdrawn following the agreement of an additional six conditions. The application was made with a full Operating Schedule, drawing attention to CCTV and the Staff Safe system, along with staff training in conflict management. The applicant's agent was aware that litter was an issue for fast food establishments, informing the panel that the packaging used now encouraged customers to recycle their litter. The staff at the premises also complete regular litter patrols, with the frequency kept under review and late-night litter picks being risk assessed. On those patrols, all litter is collected and not just that from McDonald's. The applicant's agent noted there had been no reported issues in the last twelve months. The applicant's agent was confident that the existing procedures, operating schedule, and additional conditions should alleviate resident concerns.

Under questioning from an interested party, the applicant's agent noted that the risk assessments for litter picking were completed for staff safety. They were confident that the conflict management training provided was sufficient, noting there had not been a review for a McDonald's they represented so it was clear their procedures worked. They noted that litter picking took place in a roughly 150 metre radius from the premises, at least 3 times a day. The applicant's agent offered to amend the litter picking condition to make particular reference to Signet Walk but did note that once a customer has left the premises, the section 182 guidance accepts that customers take personal responsibility for dealing with their own litter. Any noise from the Staff Safe system would be entirely internal. The applicant's agent noted that signage was an important Licensing tool but accepted that the level of impact does vary on each person.

An interested party addressed the Hearing Panel, requesting to show the Panel some additional images. The applicant's agent was happy for the images to be shared with the Panel. The interested party continued that they had reservations when a McDonald's was originally proposed for this site due to issues with a different McDonald's in the area. They noted that they had objected to the Planning application, with the application unsuccessful at Committee but that decision was overturned on appeal. The interested party lived close to the Premises, adding that the extended hours would increase traffic in the area as well as noise emanation. They did not have confidence that staff would challenge noise emanation. The interested party stated they are regularly completing litter picks on their own street. They felt the increased hours could increase illegal activity around the premises and thus, around their street. The interested party believed the premises had opened without a Licence during Parklife weekend. They felt the application would bring vandalism and stretch GMP's resources further. The interested party attempted to provide the Panel with an additional petition (which hadn't been served prior to the hearing), but the applicant's agent objected to this, so it was not provided to the hearing panel.

A second interested party addressed the Hearing Panel, stating there had recently been a 'car meet' at the Premises which added to noise in the area. They felt that a 24-hour opening time was too loud in a residential area when those residents work. They raised issues regarding staff from the Premises using their street to smoke and discarding their cigarette butts. They felt there had been no thought to residents in the application.

In summing up, the first interested party queried what the current Licence was as they felt the Premises had been open until 2.00am at weekends.

The applicant's agent noted that was on the back of the Planning Permission granted but that had now stopped. The applicant intended to do a 'soft open' on the Licence applied for to test how it goes.

Both interested parties had nothing to add in summing up.

The applicant's agent summed up by noting that the fears and concerns of the residents (maybe heart felt) but were not relevant as they had not provided evidence to substantiate their claims. They noted that they had offered to amend the litter condition and they were willing to offer an additional condition for a dedicated staff smoking area. They reiterated that there was no responsible authority representations, who should be considered experts by the Panel.

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 noted the concerns of residents but were satisfied that no responsible authority objection remained. The panel were also satisfied that the applicant's agent had offered additional conditions during the hearing to alleviate residents' concerns further.

## **Decision**

To grant the application with the six additional conditions agreed with Licensing Out of Hours (subject to the amendment to the litter picking condition and the addition of a dedicated staff smoking area) and the conditions set out in the operating schedule.