

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 5 February 2024

Present: Councillor Andrews – in the Chair

Councillors: T Judge and Riasat

LCHP/24/8. Application for a New Premises Licence - New York Krispy Fried Chicken, 62 Bury Old Road, Manchester, M8 5BN

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 applicant's agent addressed the panel, noting that the site was currently empty. The site was to undergo a full refurbishment from its previous use as a Charity Shop into a takeaway. The premises was to sell a wide range of food and drink but no alcohol. There would be seating for customers to eat on site. The applicant had a similar establishment elsewhere and was an experienced operator. The application had included strong conditions to promote the Licensing Objectives, including but not limited to CCTV, regular litter picks and notices displayed to ask customers to leave quietly. The agent noted that there had been no objections received from Responsible Authorities who are experts. There was a positive representation from a local ward Councillor. There were two resident objections, with the agent noting that one of the residents had an interest in the business next door to the premises. The applicant had written to the objectors but had received no response. The representations received had noted high crime levels in the area, but the agent noted this application was to sell hot food only and not alcohol, and that the applicant was an experienced and responsible operator. Issues raised relating to traffic and parking were not relevant to a Licence application. The agent believed that the application would promote the Licensing Objectives.

The applicant's agent summed up by stating that a good set of conditions had been proposed and reiterated that there were no objections from the Responsible Authorities who are the panel's experts. They felt there was no evidence before the panel that showed the applicant would not promote the Licensing Objectives.

In reaching its decision, the Panel has also 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 as well as the licensing objectives. The panel considered the representations received from residents and that they had heard that one of those residents had an interest in a neighbouring business. The panel were satisfied that the applicant was an experienced operator who could uphold the Licensing Objectives.

Decision

To grant the application as applied for, with the conditions set out in the report.

**LCHP/24/9. Application for a New Premises Licence - Asda Express PFS
Wilbraham, 32 Wilbraham Road, Manchester, M14 7DW**

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 applicant's agent addressed the panel, noting that Eurogarages had been acquired by Asda and this was the third of their stores in Manchester to be converted into an Asda Express. This application had been amended, with the hours for the sale of alcohol reduced from 24 hours to 06:00am to 00:00am. Late night refreshments were to be limited to the sale of hot drinks between 23:00 and 05:00. The applicant had never been before a Sub-Committee for a review, which was testament to the policies and procedures that are in place according to the agent. The store was already trading for 24 hours, and this application was to add on alcohol sales and limited late-night refreshments. The conditions and amended hours were agreed with the responsible authorities and contained within the report. The agent believed that the conditions would promote the Licensing Objectives, and included but were not limited to CCTV, staff training and Challenge 25. The premises would not sell products that could promote street drinking, such as single cans of alcohol.

In addressing resident objections, the agent noted that the application did not fall within the Fallowfield Special Policy area. The store had been operating for 24 hours and had received no complaints. Concerns had been raised by residents regarding crime and anti-social behaviour, however the agent noted that there was no representation from GMP, who are the experts. In relation to litter, the store would have a full litter picking regime.

An objector questioned if the applicant was aware that the site was a former pub, if they were aware of the student population and if they were aware that students bought alcohol to drink before going to other Licensed Premises. The applicant's agent noted that the applicant operated over 1,000 stores and were aware of people's habits and had knowledge of the local area and its demographics.

Another objector questioned if the agent had said GMP were unaware of the issues in the area and what the spend per head would be at the store. The agent noted that GMP had not made a representation and were therefore satisfied that the application would uphold the Licensing Objectives. The agent also stated that finances were not relevant to the Licensing application.

An objector addressed the panel, noting they were a long-term resident and objected to the amended application. They felt the area to be awash with off-licences and another was not needed. The area already struggled with alcohol related issues and the resident felt that this application would exacerbate things.

Another objector addressed the panel, noting that they were representing a community group. They had no problem with the application except for the sale of alcohol. They noted that there had been 10 resident objections in total. They stated that the area was full to capacity with students, with 55% of the population being students. The area suffers from issues related to late-night drinking and parties. They felt this application would increase litter and anti-social behaviour in the area. They noted that there was not another premises in the area with a 6am Licence. They were aware that the application fell outside the Fallowfield Special Policy area but asked for the application to be considered with the area in mind, feeling that the area was different to anywhere else and had lots of residents wanting to move out.

An objector summed up their case by asking that the panel refused the application as it would be residents that suffer if approved.

Another objector summed up by stating that granting the licence would only exacerbate the issues already faced in the area.

The applicant's agent summed up, noting the Section 182 guidance at paragraph 10.15 which states:

"Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours."

They noted that that agreements had already been reached with the Responsible Authorities to reduce the hours that the store would sell alcohol for. They stated that the panel needed to make an evidence-based decision, acknowledging the lack of representations from the experts. The applicant was a large operator with vast experience who worked in partnership with Responsible Authorities. The agent felt that the resident objectors had not provided any evidence to support their claims, although acknowledged their concerns. The application before the panel was amended to make agreements with the relevant experts.

In reaching its decision, the Panel has also 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 as well as the licensing objectives. The panel acknowledged the representations received of local residents. However, the panel accepted that Responsible Authorities were considered as their experts and that they had no remaining representations following agreements reached with the applicant. They noted that the Fallowfield Special Policy was currently not in place due to not being published, but that even if it was, the application fell outside the area.

Decision

To grant the application as amended in agreement with the relevant Responsible Authorities.

LCHP/24/10. Application for a New Premises Licence - M8 Convenience Store, 71 Halliwell Lane, Manchester, M8 9FR

The Hearing Panel were informed that all representations had been withdrawn prior to the hearing and therefore no decision was necessary.