

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 18 March 2024

Present: Councillor Andrews – in the Chair

Councillors: Judge and Reid

LCHP/24/17. Summary Review of a Premises Licence - Bar 8, Unit 1, Castle Quay, Chester Road, Manchester, M15 4NJ

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

The Premises Licence Holder did not attend the hearing and had not contacted the Licensing Unit in relation to the hearing. In line with the established procedure for such hearings, the Panel considered the oral representations of GMP and the content of the report which also included representations from residents. The Panel heard that the Premises Licence Holder was on police bail and had a bail condition which prevented her from being involved in the management or operation of any licensed premises. The Panel heard that this was as a result of investigation and closure of a premises in a neighbouring authority after police had executed a warrant and uncovered evidence that it was being used to offer sexual services. The PLH and DPS were therefore being investigated in relation to controlling prostitution for gain. The Panel further heard from GMP that a bailiffs' enforcement notice had been posted on the door of the premises dated 19 January 2024 which was addressed to the PLH and another person and confirming that the lease had been forfeited. The Panel also considered the representations of residents who had cited noise disturbance and antisocial behaviour from patrons of the premises.

In reaching its decision the Hearing Panel gave careful consideration to 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 Interim Steps decision to suspend the license and agreed that in view of the circumstances the Panel resolved it was appropriate to revoke the licence on the grounds of prevention of Crime and Disorder and Prevention of Public Nuisance.

Decision

To revoke the licence on the grounds of prevention of crime and disorder and public nuisance.

**LCHP/24/18. Application for a New Premises Licence - TBC, 101
Manchester Road, Chorlton, Manchester, M21 9GA**

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

In line with the established procedure for such hearings, the Panel heard from the Applicant first. The Panel noted that the Applicant had lived all his life in Chorlton and is part of the local community. He has experience in the food and beverage industry since 2019. He told the Panel he had no financial interest in the branch of Miami Krispy which is operating in Burnage. He explained when submitting his application for a licence he had been advised to apply for longer hours than he intended to operate but said that he had not intended to operate for those extended hours and had subsequently amended his application to Sunday-Thursday : 23:00-00:00 and Friday/Saturday 23:00-00:30. He also explained that in the first instance he was willing to reach an agreement with local residents that he operates until midnight at weekends on Friday and Saturday nights only and would seek to increase his hours with the approval of local residents once he had demonstrated that the additional hours could be operated without problem. The Applicant told the Panel that all the premises product wrapping was branded and that staff would be instructed to operate two litter picks daily, one at the end of trading and another one part way through the trading hours. The litter pick would extend beyond the immediate curtilage of the premises to cover the whole block. He added that he did not expect the Chorlton branch to be as busy as the Burnage branch because customers would be spread between the two venues. Additionally, further branches were due to open imminently (including one in Rochdale which would prevent customers travelling significant distance) and would prevent the level of queues experienced in Burnage. In response to a question put by an objector, the Applicant further explained that they would also be implementing a click and collect service which would reduce the time customers spend on site. The Applicant also confirmed in response to questions that although he did not anticipate the need for SIA security, he would risk assess this and employ SIA staff if required. He also confirmed that they anticipated serving approximately 300 customers per day with peaks of service at lunchtime, between 5-7 pm and also later. He confirmed there would be no deliveries from these premises.

The Panel also heard from a number of objectors who had attended the hearing and they told the Panel they had particular concerns due to the reputation of the brand and its popularity which had resulted in long queues and problems in the area. Although they accepted that the Applicant was not responsible for the management of the Burnage branch, they told the Panel that, as the product had the same branding, customers would be unaware of the different management and attend at the premises in large numbers therefore creating nuisance due to noise, traffic, parking problems and litter in the area. The Residents told the Panel that the area is a highly residential area and is generally quiet in the later hours. A late night take away would disturb local residents particularly from noise such as car stereos, car doors, rowdy customers attending on foot and customers loitering in the area.

In reaching its decision the Hearing Panel gave careful consideration to 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 resolved that given the nature of the area, the venue and the popularity of the brand the licensing objective of prevention of public nuisance would be undermined if a licence was granted as applied for. However, the Panel was satisfied that it would be appropriate to grant a licence on Friday/Saturday from 23:00-00:00 as this is a less noise sensitive time period. The Panel resolved that the Applicant was a responsible operator and would put appropriate measures in place to mitigate any public nuisance caused by noise or litter during the additional hours.

Decision

To grant the application for late Night Refreshments as set out below

Friday/Saturday: 23:00-00:00.

with conditions as set out in the Operating Schedule.

LCHP/24/19. Application for a New Premises Licence - Bridge 5 Mill, Bridge 5, 22a Beswick Street, Manchester, M4 7HR

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

The Panel noted that the concerns of residents in relation to activities taking place outside during later hours had been mitigated by a reduction in the hours applied for with regard to licensable activities in the external area. The Panel noted that the conditions proposed by the Applicant addressed most of the concerns of GMP, however the remaining and outstanding concern was in relation to the use of CCTV cameras in public areas while licensable activities were taking place at the premises.

The Applicant said that in view of the premises' status as a not-for-profit social change organisation which supported grass roots organisations across a variety of events (including business events), it was a low-risk venue and therefore the standard CCTV condition that had been proposed by GMP was not appropriate. The Applicant stated that conditions should be tailored to individual premises and standard conditions should not be imposed on all licences. The Applicant stated the premises was used in a variety of ways, including works/business meetings which, by their nature were confidential and therefore the use of CCTV cameras may be inappropriate in those areas when such meetings were taking place. The premises was described as a multi-use premises and it would therefore be possible for licensable activities to be occurring in one part of the premises whilst work events with an expectation of privacy were occurring in another part of the premises. The Applicant felt that the imposition of this condition would be detrimental to the business plans as some clients may prefer not to use the space if meetings could not be held in private. The GMP representative told the Panel that the condition was

appropriate in all circumstances where licensable activities include alcohol were available for sale or supply. This included smaller lower risk premises. The GMP representative explained to the Panel that the presence of CCTV is a vital tool for gathering evidence and solving crimes such as assaults which may occur due to sale of alcohol as the availability of alcohol increases the risks of crimes occurring.

In reaching its decision the Hearing Panel gave careful consideration to 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 carefully considered the representations from both sides and considered that the alternative condition offered by the Applicant was inadequate. The Panel therefore considered it appropriate to impose the condition as requested by GMP in order not to undermine the prevention of crime and disorder licensing objective.

Decision

To grant the licence subject to conditions consistent with operating schedule and the Bridge Mill proposed conditions except for the two conditions relating to CCTV which were replaced with the CCTV condition requested by GMP in their representation.