

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 5 August 2024

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

**Councillors:** Flanagan and Hughes

**LCHP/24/53. Application for a New Premises Licence - The Souvlaki  
Didsbury, 1 School Lane, Manchester, M20 6SA**

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning an application for a New Premises Licence. The Hearing Panel considered the written papers of the parties submitted and the oral representations of the parties who attended, as well as the relevant legislation.

The applicant was unavailable to attend the hearing and had confirmed to the Premises Licensing team that they did not wish for the hearing to be deferred.

The Hearing Panel determined that they had enough information within the written report to be able to consider the matter in the applicant's absence.

The Chair conducted the hearing in accordance with the agreed procedure.

3 resident objectors attended the hearing and addressed the Hearing Panel with their verbal representations.

Objector 1 stated that they lived very close to the premises and had seen the proposed licencing policy for the application. She had concerns that there would be associated Crime & Disorder and Public Nuisance as a result of granting this application. In her experience of living in this area for 38 years, objector 1 stated that she had seen crime, disruption and damage to cars and property on her street. This was a narrow, Victorian street with no driveways which was a short distance from Didsbury Village where there were numerous bars and restaurants. Licensing premises should remain in the Village area and not encroach on more residential neighbourhoods. The premises in question has been a food led take away for over 100 years and was a fish and chip shop for much of this time. There were serious reservations about the granting of an alcohol licence as it would change the nature of School Lane. Objector 1 could hear people in the takeaway late at night already, noting that there was noise coming from there at 23:26 hours due to people talking loudly. Furthermore, there were no toilets at the premises as it was a typical take-away style build. Objector 1 had spoken to a city council officer about the issue of toilets who stated that there is no legal requirement to have a toilet however the Council can serve a notice requiring them to provide one. In closing their statement, objector 1 stated that this was an unsuitable location and the granting of an alcohol licence would add to noise and nuisance in this residential area.

In responding to questions from the Hearing Panel, objector 1 stated that:

- Patrons can remain outside the premises until 23:00hours but this normally depended on the weather

- The damage and anti-social behaviour had not increased since the premises opened their outdoor area but this was the concern over the proposed addition of alcohol sales, that there was an increased likelihood
- Previously, the premises was a fish and chip shop for over 100 years and was closed by 21:00hours
- It had never been a restaurant and was not still a typical restaurant, being more like a take-away with no table service, no knives, forks or glasses on the tables, food served in disposable containers and no toilets
- The building is of similar build to the terraced house on School Lane
- That there was no internal porch area to address noise breakout

Objector 2 addressed the Hearing Panel, stating that their main concern was over noise, due to the proximity of their house to the premises. It would interfere with a good night's sleep and spoil the current peaceful feel of the area. The residents of this area did not deserve any noise and disturbance.

In responding to questions from the Hearing Panel, objector 2 stated that:

- There is already noise coming from the premises and objector 2 identified as a light sleeper
- Adding alcohol sales to the licence would increase noise in the area
- The lack of toilets created a concern over people urinating on the streets and that the premises as a whole would create an overspill from Didsbury Village
- The granting of alcohol could encourage bad behaviour

Objector 3 addressed the Hearing Panel, stating that the granting of this licence would attract more drinkers who would come up School Lane from the Village to buy a kebab and more alcohol from this premises and stagger up the street. It was considered that there was plenty of opportunity to get this within the village without causing nuisance in this residential area, therefore, there was no need for this in the area. The open plan layout and addition of alcohol sales would increase noise and disturbance.

In responding to questions from the Hearing Panel, objector 3 stated that:

- They did not understand why alcohol was necessary in this premises
- There had been a food outlet there for over 100 years who never needed to sell alcohol

In summing up, objector 1 stated that this residential area needed protecting and preserving.

In summing up, objector 2 pleaded with the Hearing Panel to keep alcohol sales out of this area and promote peacefulness.

In summing up, objector 3 stated that his colleagues had covered everything well.

In their deliberations, the Hearing Panel considered that the inclusion of alcohol in this quiet, residential area would add to noise and disturbance, that the lack of an on-site toilet was concerning as this had a likelihood of causing people to urinate in the street and would not promote the licensing objective of preventing public nuisance.

The Panel are required to uphold the licensing objectives and, on the evidence before them, they were not satisfied that the applicant would uphold these, in particular the objective of the prevention of public nuisance, if the licence was granted.

It was confirmed that full reasons would be provided within 5 working day and that the applicant would then have 21 days to appeal to the Magistrates Court.

### **Decision**

To refuse to grant the licence

### **LCHP/24/54. Temporary Event Notice - Tarriff Street, Manchester, M1 2FF**

The Hearing Panel were informed that the item had been withdrawn and no decision was necessary.