
Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 8 January 2024

Present: Councillor Judge – in the Chair

Councillors: Hilal and Riasat

LACHP/24/1. Sex Establishment Licence Renewal - Baby Platinum, 109 Princess Street, Manchester, M1 6JB

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

The Licensing Officer set out the application and advised the Panel that none of the mandatory grounds for refusal had been met, therefore the Panel was invited to consider matter on discretionary grounds. The Panel was advised that two objectors had been received which need to be considered. Neither of the objectors attended the hearing.

The Applicant's representative advised the Panel that the Operator was in attendance at the hearing and had provided a statement that clearly set out how the premises operates and addressed the relevant issues that had been raised by the objectors for this application. The Panel confirmed they had seen and read that statement.

The Panel was told that the premises had been operating since 2009 in a very busy area of the city. The Panel was advised that the business had an excellent track record, and this was supported by the granting of the renewal each year. The Applicant's representative submitted that the Objectors had misrepresented what took place at the premises. The Panel was told that no sexual activity took place at the premises and that the performers were very upset with accusation of selling sex. The Panel was reminded that the current licence had an array of conditions placed upon it. The Applicant's representative went through some of the conditions with the Panel. The Panel was referred to the Operator's statement which confirmed that they are a professional operation who fully support their staff. Further, it was explained they have updated their policies and procedures at the venue. The Applicant's representative confirmed that the Responsible Authorities had not made any representations against this renewal, and that they are the experts who enforce compliance and safeguarding. The Applicant's representative went through in detail the Objector's representations and whilst they raised some very serious issues it was submitted that they were very general objections. The Panel was reminded that Sex Establishment Venues (SEVs) are legitimate and legal businesses. The Panel was taken through the objector's representations and the Applicant's representative emphasised that the representations were very general about lap dancing bars and

did not directly relate to the premises. Furthermore, the reviews about the premises itself should have no weight attached to them. The Applicant's representative submitted that the people who made the reviews could not be verified and questioned. Those reviews were not accepted by the premises. With regard to the use of the term 'girl' whilst this had been previously used by the premises this was no longer the case. It was submitted that no offence was meant by it. It was also submitted that the issues raised by the objectors were not within the scope of this hearing today and a change of legislation would be required. The Applicant's representative advised the Panel that she had read the book outlined in the objector's representation which set out how SEV's use to operate pre- regulation. It was submitted that the account given in the book did not reflect what happens today in lap dancing bars and that was why conditions are used to regulate SEV's now. Regarding the member of public representation regarding abusive treatment this was addressed in Kay Miller's statement and there is no such treatment which takes place at the premises. The Applicant's representative took the Panel through the 'Location Considerations', the Character and the layout of the premises. The Panel was told no changes had taken place to the character, layout or the nature of the business. The Applicant's representative concluded by submitting that all the points of the legal test had been met therefore it is appropriate to grant the renewal. The Panel was reminded they must consider their statement of policy on SEV's, the application and the evidence submitted by the objectors.

With regard to the written representations that had been received, the Panel reminded themselves that applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis. None of the mandatory grounds for refusal had been met in respect of this application. The discretionary grounds were engaged.

As stated above the Panel must have regard to:

- the Council's Policy for Sex Establishments;
- information submitted as part of the application;
- any observations submitted to it by the chief officer of police;
- any objections received from anyone else within 28 days of the application

The premises is currently operating as a lap dancing premises and is licensed under the Licensing Act 2003. The Panel was satisfied that the Applicant is a responsible operator with an excellent track record. The evidence shows there has been no changes regarding the locality or character of the premises and further how it operates. The current conditions on the licence had been upheld by the Operator.

Further, it is clear from the evidence that they were very supportive of their staff and that high standards were required by the operator. Clear policies were in place to address the relevant issues raised by the objectors. The statement of Operator addressed the relevant issues raised by the objectors.

SEV's are legitimate and legal businesses, and the Panel agreed with the Applicant's representative that the objectors need to seek policy and statutory changes, which was well beyond the scope of this Panel. The evidence by the objectors was hearsay and hadn't been subject to questioning in view of the objectors absence at the

hearing. Whilst the representations raised some very serious issues, there was no evidence that what they are alleging is occurring at the premises. The Panel attached no weight to the reviews provided by the objectors as they had not been substantiated.

Finally, the Panel considered their Equality Act duty as raised by the objectors. The Panel fully considered their duty in relation to the Equality Act 2010, in particular section 149. When making their decision the Panel must have 'due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In reaching its decision the Panel considered the Council's Policy for Sex Establishments, The Local Government (Miscellaneous Provisions) Act 1982, Paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 grounds for refusing an application for the grant, renewal, transfer or variation of a licence, Location Considerations, Licence Conditions and the Equality Act 2010. The Panel gave consideration to how the above related to the decision they were required to make, and the evidence provided for this application. Having considered all the evidence and the legislative framework to consider for such an application, they concluded they could renew the application without breaching their duty under the Act.

Considering all the reasons above the Panel concluded that it was appropriate to renew the Sex Establishment Venue Licence.

Decision

To grant the renewal application as applied for.

LACHP/24/2. Exclusion of the Public

Decision

To exclude the public during consideration of the following items which involved consideration of exempt information relating to the financial or business affairs of particular persons, and public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LACHP/24/3. Application for a Street Trader Consent - 1st Class Grills, "Land behind", 304 Moston Lane, Manchester, M40 9WB

The Hearing Panel considered a report from the Head of Planning, Building Control and Licensing in respect of the above application. The written papers and oral representations of the parties who attended the hearing were also considered, as

well as the relevant legislation. The Chair used the agreed procedure to conduct the hearing.

The Applicant, Licensing and Out of Hours (LOOH), Greater Manchester Police (GMP), a Ward Councillor and the Neighbourhood Officer attended the hearing.

After hearing all of the evidence from the objectors, the Panel agreed that the proposed site is a totally unsuitable location for a street trader. The suggested location for this street trader would be situated in a residential area. The Committee accepted that noise would be created by the operation of the unit by customers queuing, delivery drivers coming and going from the site affecting local residents.

The two main grounds for refusal were:

Ground 1

3.1.1. That there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street.

Following careful consideration of the evidence, the Panel concluded that the suggested site was so narrow that it would force customers on to the pavements, restricting access and causing inconvenience to persons using the street. Further the Panel was concerned that the proposed trailer would not fit on the proposed site as outlined by the LOOH's team.

Ground 2

3.1.2. That there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade.

The Panel could not be satisfied that the products to be sold were unique as stated by the Applicant. The Panel heard evidence from the objectors that the products were readily available in shops and restaurants in close proximity to the proposed site.

The Committee remind themselves of the aim of the policy which states at section 3.7:

- Ensure that street trading is properly regulated and only takes place in appropriate locations, at appropriate times and in appropriate ways
- Ensure that traders and people that they employ are suitable to undertake the activities applied for and do not pose a threat to the public
- Ensure that trading does not cause an unreasonable disturbance to residents and businesses
- Ensure that trading is carried out in a manner that protects public health

The Panel was advised by the Objectors of the current problems with waste in the area and that granting this application would only exacerbate these problems. The

Panel welcomed that the Applicant had attempted to clear the site from rubbish but there were still issues in the area with waste.

In reaching its decision the Panel considered the Local Government Miscellaneous Provisions Act 1982 Schedule 4 and The Manchester City Council's Street Trading Policy For all the reasons stated above the Panel do not see fit to grant this application.

Decision

The Panel refused to grant consent for the application.