

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 7 January 2019

Present: Councillor Stone – in the Chair

Councillors: Grimshaw and S Lynch

LACHP/19/2.Urgent Business

Application for a New Premises Licence for Mowgli Street food, 148 Oxford Road, Manchester, M13 9GP.

An Independent Licensing and Regulatory Consultant attended on behalf of the Applicant. This Application was agreed by all parties prior to the hearing, subject to the agreed conditions and therefore treated as a determination.

Application for a New Premises Licence for Alliance Manchester Business School, Booth Street West, Manchester, M15 6PB.

The Applicant's legal representative attended on behalf of the Applicant. This Application was agreed by all parties prior to the hearing, subject to the agreed conditions and therefore treated as a determination.

LACHP/19/3.Application for a New Premises Licence for Sicilia Pizza, 116 Mauldeth Road, Manchester, M14 6SQ.

The Applicant attended with his legal representative.

The Application was to relicense the premises; two years prior in January 2017, a licence had been granted following a hearing before the Committee and when the premises changed hands last year there had been a misunderstanding by the Applicant regarding the transfer of the licence and the previous owner, (a limited company), had gone into administration on the 3.4.17.

The Applicant submitted his application on the 15.11.18 for a licence in the same terms as that granted in January 2017, (see Annex 3).

Addressing the objections regarding Public Nuisance: -

1. The only contact from Licensing Out Of Hours Department, (LOOH), was on the 4.3.18 when an officer requested a copy of the waste contract; this was emailed and copy has also been provided with the committee papers;
2. Reference to the late night opening – a nearby Premier Stores were only licenced until 11pm but were able to operate and remain open for 24 hours;
3. Reference to the incorrect times on the website and operating outside the permitted hours, the premises had, had a number of Temporary Event Notices, (TENS) a list of which was provided to the Committee, the written

representations of the Councillor regarding personal knowledge of trading into the early hours did not reference any dates and would have been dates covered by the TENS;

4. Similarly the website was not controlled directly by the Applicant however, this had been rectified.
5. The Applicant acknowledged there may have previously been a refuse storage issue but this had now been addressed and the premises now had a five-star rating
6. The Applicant also submitted a petition with approximately 40 signatures supporting his Application which had been gathered over a 7-8 day period

Finally, the Applicant confirmed he had successfully applied for five TENS the previous week, all of which had been granted.

Representations from a Ward Councillor were by way of letter dated the 11.12.18. The Councillor did not attend.

The Committee gave regard to the fact this Application was for a licence in the same terms as previously granted in 2017 which had been granted.

They noted the objections by the local Councillor however, it was also noted there had previously been a numbers of TENS granted which could account for the alleged operation outside the permitted hours that had been observed. There was no reference in the Councillor's letter to any dates and therefore there was no evidence to negate this possibility.

The website had been managed by an outside company/business, (Just Eat), at the material time and the issues regarding the published opening times had now been rectified;

The Councillors noted on the issue of Public Nuisance, there had not been any complaints presented to the Committee and the relevant departments had not had cause to serve any warnings or Abatement Notices in this regard. Similarly there had been no representations from the relevant departments or bodies regarding anti-social behaviour or evidence of the same.

In relation to the issue of noise and nuisance, the Committee observed that the Application contained a condition that delivery drivers and deliveries generally were to operate from the front of the premises which would address any issue regarding potential nuisance.

In respect of the refuse storage, they accepted this had been addressed by the Applicant however, they attached no weight to the written/signed petition presented by the Applicant.

In conclusion, the Committee was satisfied the licensing objectives were not undermined.

Decision

To grant the application.

**LACHP/19/4.Application for a Premises Licence Variation for Sakana, Sakana,
23 Peter Street, Manchester, M2 5QJ.**

This application was withdrawn prior to the meeting.

**LACHP/19/5.Application for a New Premises Licence for Munch, 186 Stockport
Road, Manchester, M13 9AB**

This Application was agreed by all parties prior to the hearing, subject to the agreed conditions and therefore treated as a determination.

Decision

To grant the application subject to the agreed conditions.

**LACHP/19/6.Application for a New Premises Licence for Five Guys, University
Green, 142 Oxford Road, Manchester, M13 9GP**

This Application was agreed by all parties prior to the hearing, subject to the agreed conditions and therefore treated as a determination.

Decision

To grant the application subject to the agreed conditions.

**LACHP/19/7.Application for a Premises Licence Variation for Gorilla, 54-56
Whitworth Street West, Manchester, M1 5WW**

This Application was agreed by all parties prior to the hearing, subject to the agreed conditions and therefore treated as a determination.

Decision

To grant the application subject to the agreed conditions.