

LICENSING SUB-COMMITTEE

MINUTES OF MEETING

Monday, 20th May 2019

PRESENT: Councillors Burke, O'Neill and Zaheer

OFFICERS: J. Alom (Licensing Officer), Z. Ali (Legal Services) and P. Thompson (Committee Services)

ALSO IN ATTENDANCE: R. Walker (MRH Middleton), R. Botkai (Winckworth Sherwood LLP) and one member of the public.

APPOINTMENT OF CHAIR

1 Decision:

That Councillor O'Neill be appointed Chair for the meeting of the Licensing Sub-Committee.

DECLARATIONS OF INTEREST

2 There were no declarations of interests.

PROCEDURE FOR HEARINGS UNDER THE LICENSING ACT 2003

3 The Chair advised that the Sub-Committee had been convened to assist in the determination of the application for a remises Licence made under Section 17 of the Licensing Act 2003, for MRH Middleton, Oldham Road, Middleton, Manchester, M24 2LD.

The meeting was conducted in accordance with the adopted "Procedure for Hearings under the Licensing Act 2003 where Representations are received", as contained within the Local Authority's Code of Conduct for Members and Officers Dealing with Matters under the Licensing Act 2003.

LICENSING OFFICER

4 The Licensing Officer addressed the Sub-Committee in respect of the submitted report, copies of which had been made available to the parties in advance of, and at the hearing. The submitted report included representations received from the applicant for a Premises Licence and their representative, from Greater Manchester Police, the Weights and Measurements authority and from an objector, Mr. D. Potts.

The Sub-Committee in determining the application was required to give due regard to local policy considerations and the national guidance.

The Licensing Officer advised that the Sub-Committee had been convened to assist in determining the application for a Premises Licence made under Section 17 of the Licensing Act of the Licensing Act 2003 for MRH Middleton, Oldham Road, Middleton, Manchester, M24 2LD.

In respect of the application the Sub-Committee were invited to determine the application and either:

- a. Grant the application as submitted; or
- b. Grant the application, with appropriate conditions; or
- c. Reject the application

The Licensing Sub-Committee has delegated authority to determine applications for Premises Licenses when representations have been made by Responsible Authorities or Interested Persons.

THE REPRESENTATIONS

5 Mr. D. Potts, an objector to the application was not in attendance at the Sub-Committee hearing but the written objections that he had submitted were carefully considered by the Sub-Committee's membership.

THE APPLICATION

6 Mr. R. Botkai addressed the Sub-Committee on behalf of the applicant, MRH Middleton.

EXCLUSION OF PRESS AND PUBLIC

7 All parties were requested to retire from the meeting whilst the Sub-Committee determined the application for a Premises Licence, after which the respective parties were re-admitted to the meeting.

DECISION

8 After careful consideration of the representations received and including those by the Objector, the Sub-Committee decided to grant the application, as amended by Greater Manchester Police and the Weights and Measures authority.

The matter for consideration was whether licensable activities and late night refreshments should be permitted on the premises.

In reaching the decision to grant the application, the Sub-Committee took into account that the Applicant was a very experienced operator of petrol stations with off-licenses and that were able to sell hot drinks.

There was no evidence to demonstrate that the Applicant would not promote the licensing objectives.

The Applicant had agreed conditions with Greater Manchester Police/Weights and Measures authority and noted the duplication of the conditions (at page 32 of the agenda pack – and the Sub-Committee agreed that the last two lines of that page be deleted) and in the event that the premises did not comply with the conditions or undermined the licensing objectives, there was the option for the premises license to be reviewed.

The Sub-Committee noted that there was inconsistency with the opening hours etc as relayed in the Licensing Agenda Report at page 10 which referred to planning issue. Mr. Botkai, on behalf of the applicant, assured the Sub-Committee that this will be looked into and will be discussed with the relevant planning department.

Councillor Shaun O'Neill
Chair – Licensing Sub-Committee

Please Note: There is a right to appeal within 21 days of the written decision being received