

LICENSING SUB-COMMITTEE

1 DECEMBER 2022

PRESENT

Councillor D. Jarman (in the Chair).
Councillors D. Butt, and S. Thomas

In attendance

J. Parry	Locum Litigation Lawyer,
J. Boyle	Licensing Team Leader,
N. Owen	Governance Officer.

In attendance to observe

U. Crotty	Licensing Officer,
K. Armstrong	Licensing Officer.

17. RECONSIDERATION OF A REVIEW OF AN EXISTING PREMISES LICENCE - ASTORIA BAR AND GRILL, 32-34 FLIXTON ROAD, URMSTON, M41 5AN

The Head of Regulatory Services submitted a report requesting members to reconsider a review of the existing premises licence for Astoria Bar and Grill, 32-34 Flixton Road, Urmston, M41 5AN following an order from Manchester Magistrates Court remitting an appeal against the decision of the Licensing Sub-Committee.

Representations were made by Mr. W Shaw, Astoria Bar & Grill and Police Officer J Lloyd from Greater Manchester Police.

RESOLVED: That the appeal be dismissed and the original decision is not varied.

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub Committee

Members; Cllr D. Jarman (Chair)
Cllr D. Butt
Cllr S. Thomas

Reconsideration of a Review of an Existing Premises Licence

Type of Licence: Premises Licence – Astoria Bar & Grill, 32-34 Flixton Road, Urmston, M41 5AN

Parties Present: Greater Manchester Police
PC Lloyd

On behalf of Astoria Bar & Grill
Mr. W. Shaw, Astoria Bar & Grill

**Licensing Sub-Committee
1 December 2022**

Officers

James Parry – Locum Litigation Lawyer
Joanne Boyle – Licensing Team Leader
Natalie Owen – Governance Officer

Officer to observe only

Katie Armstrong – Licensing Officer
Ursula Crotty – Licensing Officer

Date of Hearing: Thursday 1st December 2022

Time Commence: 6.30 p.m.

Time Terminated: 7.30 p.m.

LICENSING SUB-COMMITTEE DECISION

The licensing sub-committee determined not to vary any of the conditions which were imposed at the review hearing on the 3rd February 2022 and in the absence of any further direction from the magistrates' court, dismissed the matter.

SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

On the 31st October 2022 Manchester magistrates' court determined an appeal brought by the premises licence holder, the Astoria Bar and Grill against the decision of a licensing sub-committee on the 3rd February 2022 made on application for a review of the premises licence by remitting the matter to the licensing sub-committee without further direction pursuant to section 181(2)(c) of the Licensing Act 2003.

The Licensing Sub-Committee heard that the Premises Licence holder had not sought to implement all of the conditions imposed by the Licensing Sub-Committee on the 3rd February 2022, as they were entitled to do pursuant to section 52(11) of the Licensing Act 2003, during the course of the appeal, but had implemented some operational changes that had reduced the demand on police time and resources occasioned by the operation of the premises.

The Licensing Sub-Committee heard that the premises licence holder sought the relaxation and variation of some of the conditions that had been imposed at the original review on the grounds that they were too harsh and were not conditions the premises licence holder could implement for aesthetic and commercial reasons.

The Licensing Sub-Committee also heard for the premises licence holder that there had been discussions with Greater Manchester Police who did not object to their proposals.

Licensing Sub-Committee
1 December 2022

The Licensing Sub-Committee heard from a Greater Manchester Police representative that they were unable to quantify the number of callouts that there have been to the licensed premises since the 3rd February 2022 and that whilst there had been discussions about the variation of the licence, these were preliminary discussion and that not final agreement had been reached as no application for a variation of the premises licence had been made.

The Licensing Sub-Committee concluded, in the absence of any further direction from the magistrates' court that:

1. There was no evidence presented to them, that caused the Licensing Sub-Committee to conclude that their decision of the 3rd February 2022 was wrong.
2. They were satisfied that its decision of the 3rd February 2022 was necessary and proportionate and promoted the licensing objectives.
3. There was insufficient further evidence to cause the Licensing Sub-Committee to depart from their opinion that the conditions imposed on the 3rd February 2022 were necessary and proportionate.
4. That the variations to the premises licence proposed by the premises licence holder should be the subject of an application to vary the licence so as to afford all authorised and interested persons to have an opportunity to consider that application and make appropriate representations.

The meeting commenced at 6.30 pm and finished at 7.30 pm.