

**Minutes of: LICENSING HEARING PANEL**

**Date of Meeting:** 13 May 2015

**Present:** Councillor (in the Chair)  
Councillors D Cassidy, J Grimshaw and D Jones

**Also in attendance:**

**Public Attendance:** No members of the public were present at the meeting.

**Apologies for Absence:**

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**1 DECLARATIONS OF INTEREST**

No declarations of interest were made in relation to any items considered at the meeting.

**2 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF SOLITA, 401 BURY NEW ROAD AND 2 CHURCH LANE PRESTWICH**

Prior to the Hearing the authority received an application for a Premises Licence under the Licensing Act 2003 in respect of Solita, 401 Bury New Road and Church Lane, Prestwich.

The application was as detailed in the report which was presented to the Members of the Panel by the Licensing Manager.

Representations in respect of the application were received within the appropriate period from a number of local residents.

All written representations were contained within the report to Panel. All documentary evidence comprising the application, report provided with the agenda and representations were served on all parties in advance of the hearing save for copies of a summary of a meeting held with residents along with subsequent email responses for which no objection was raised as to their inclusion and consideration.

The Panel heard oral representations from the Applicant Mr Pogson and his representative Mr Lyons.

The Panel heard no other representations.

The Panel asked questions of the Applicant and his representative.

The Applicant, through his representative, was allowed the opportunity to sum up their case. The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in October 2012

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

## **FINDINGS**

The following facts were found:

1. Conditions appended to the report, from the Police, had been agreed with the Applicant.
2. The Applicant had complied with all necessary procedural requirements laid down by the Licensing Act 2003 including giving public notice within the required timescales.
3. The Applicant is the owner of two other restaurants under the same name sited in Manchester City Centre and Didsbury.
4. Part of the premises currently benefits from an inherited licence which will be surrendered if a new licence is granted.
5. A meeting with resident objectors, the Applicant and his representative had been held on 7<sup>th</sup> May 2015.
6. The meeting referred to in (5) above had served to satisfy a number of concerns initially raised by residents, particularly as a result of suggested amendments to the hours for the sale of alcohol and outside dining times.

## **DECISION**

Having heard from the Licensing Manager, the Applicant Mr Pogson and his representative Mr Lyons and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided as follows.

The evidence was considered with care and it was established that following the evidence of all parties, having understood the application and equally understanding the representations made, on balance the Panel found there were no causes for concern so far as the promotion of the four Licensing Objectives were concerned.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **To Grant the Application for the Premises Licence** subject to the following amendments to the operating schedule and conditions:

- a.) Hours for the sale of alcohol on Friday and Saturday - **1am** (from 2am), with resultant closing times being amended to **1.30am** (from 2.30am)
- b.) Outside dining area will cease to be used at **9.30pm** Sunday to Thursday and **10pm** Friday and Saturday after which time the side entrance door will be closed to members of the public.
- c.) The proposed condition relating to the emptying of bins into skips and refuse collection be amended to state will not take place between **10pm** and 7am.
- d.) For the avoidance of doubt compliance with the Smoking Policy and Dispersal Policy are to form conditions of the licence.
- e.) The Smoking Policy submitted is to be amended to state that smokers will be directed away from Church Lane to the allocated courtyard smoking area.

## **COUNCILLOR Chair**

**(Note: The meeting started at Time Not Specified and ended at Time Not Specified)**