

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 8 June 2015

Present: Councillor (in the Chair)
Councillors R Caserta, D Cassidy and T Holt

Also in attendance:

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

Apologies for Absence:

LHP.83 DECLARATIONS OF INTEREST

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

LHP.84 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF HAVANA CAFE, 56-58 BRIDGE ST, RAMSBOTTOM

Prior to the Hearing the authority received an application for a Premises Licence under the Licensing Act 2003 in respect of Havana Cafe, 56-58 Bridge Street, Ramsbottom

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 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.

The Panel heard oral representations from the Applicant Mr Armstrong and Mr Daubney. The Panel also heard from local residents, Mr and Mrs Stevenson objecting to the application

The Panel heard no other representations.

The Panel asked questions of the Applicant.

All parties were offered the opportunity to question the Applicant and vice versa.

All parties were allowed the opportunity to sum up their respective cases. 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. Following further discussions with the Police and Planning Department the opening hours and hours for the supply of alcohol had been amended from the original application.
4. Further to (3) above the hours applied for in respect of the supply of alcohol were 12 noon until 8pm Monday to Sunday. Amended opening hours were 8am-8pm Monday to Sunday.
5. The side door to the premises would solely be used for residential purposes with no customer access/egress other than as an emergency fire door.
6. Mr Armstrong, the proposed Designated Premises Supervisor, would be living above the premises.

7. Deliveries to the premises would be directed to the rear of the property where a private car park is situated.

DECISION

Having heard from the Licensing Manager, the Applicant Mr Armstrong and Mr Daubney, along with the objectors Mr and Mrs Stevenson 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, particularly in view of the amended hours and fact that suitable conditions would be attached to the licence as agreed with GMP

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 conditions set out at Appendix 1 (with the exception of the condition relating to the closure of the premises to customers 30 minutes after licensable activities have ceased).

COUNCILLOR
Chair

(Note: The meeting started at 3.35 pm and ended at 4.30 pm)