

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 2 July 2015

Present: Councillor D Jones (in the Chair)
Councillors Adams and R Caserta

Also in attendance: The Applicant and the proposed Designated Premises Supervisor.
13 Objectors

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

Apologies for Absence:

LHP.1 DECLARATIONS OF INTEREST

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

LHP.2 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF OURS CAFE BAR, 6 BANK STREET, WALSHAW, BURY, BL8 3AZ

Prior to the Hearing the authority received an application for a premises licence under Part 3 of the Licensing Act 2003 in respect of Ours Cafe Bar, 6 Bank Street, Walshaw, Bury.

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

Representations in respect of the application were received within the appropriate period from 13 objectors and 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's representative, Mr Holden and the proposed Designated Premises Supervisor Ms La Vecchia. The Panel also heard from local residents objecting to the application

The Panel heard no other representations.

The Panel asked questions of the Applicant's representatives.

All parties were offered the opportunity to question the Applicant's representatives 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 June 2014

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's representatives.
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 sale of alcohol will be incidental to the main business as a cafe.
4. The premises will ordinarily close for business at 6pm.
5. The Applicant's representative agreed to include a condition that smokers will be directed away from residents and the footpath area to the front of the premises on Bank Street, to the allocated smoking area at the rear of the premises.
6. The premises will benefit from lighting to the front and rear.

Delegated decision:

Having heard from the Licensing Unit Manager, the Applicant's representatives, along with the objectors and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties and in light of the relevant policy and guidance unanimously resolved to grant the application.

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 real causes for concern so far as the promotion of the four Licensing Objectives were concerned, although the Panel did note that the premises are located in a primarily residential area and that due to the locality, to prevent the risk of public nuisance and risk to public safety and in line with the Applicant's evidence regarding its proposed regular closing time, it felt a control measure was required as to the times relating to the sale of alcohol.

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 Monday to Sunday - 11am to **6pm** (from 10pm).
- b. That a condition be added that smokers will be directed away from the front of the premises on Bank Street to the allocated smoking area at the rear of the premises.
- c. The conditions agreed with GMP to be attached to the licence.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 2.00 pm and ended at 4.00 pm)