

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 14 June 2017

Present: Councillor D Jones (in the Chair)
Councillors J Grimshaw and G Keeley

Also in attendance:

Public Attendance: Mr Kaye (Objector)
Mrs Levy (Objector), Mr Gee (Applicants Solicitor)
Mrs Moss (Applicant), Mr Moss (Applicant's Husband)

Apologies for Absence:

1 DECLARATION 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 449 A BURY NEW ROAD PRESTWICH

Prior to the Hearing the authority received an application submitted for a Premises Licence under Part 3 of the Licensing Act 2003, for the supply of alcohol to the public in relation to 449A Bury New Road, Prestwich M25 1AF.

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 four Interested Parties.

All written representations were contained within the written submissions provided in the report to the Panel.

All documentary evidence comprising the application, the 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. Gee.

The Panel asked questions of the Applicant. All parties were offered the opportunity to question the Applicant.

The Panel heard oral representation from Mrs Joanne Levy, who had raised objections.

The Panel asked questions of the Interested Parties. All parties were offered the opportunity to question the Interested Parties.

All parties were offered 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 March 2015

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 Applicant had complied with all necessary procedural requirements laid down by the Licensing Act 2003 including giving public notice within the required timescales
- Volunteered conditions from the applicant appended to the report, following dialogue with Greater Manchester Police had been agreed
- The Responsible Authorities were satisfied with the application subject to the conditions submitted
- A noise assessment survey was conducted by the Applicant on the 9th May 2017 which concluded that the sound insulation performance is expected to be greater and suitable for the proposed activities
- There was no outdoor seating therefore noise from conversations would be minimal
- The Applicant had taken measures to prevent smoking outside the front of the premises

- There is no takeaway facility within the restaurant therefore it is unlikely there would be any litter
- The loss of rental income is driven by market forces and is not relevant to the licensing objectives
- The panel do not accept there is a significant risk taking into account that the area is already populated with businesses which are opened after the proposed closure times and there is no evidence that the Basil and Lily Clientele will pose a greater risk
- There is no material before the panel to show that there is likely to be any anti-social behaviour emanating from the premises
- The Panel do not accept that other businesses of a like nature in the area is a valid reason for rejecting this application.

DECISION

Having heard all the oral submissions 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 a Premises Licence** as set out in the report.

COUNCILLOR
Chair

(Note: The meeting started at 1.00 pm and ended at 2.40 pm)