

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 14 January 2020

Present: Councillor T Rafiq (in the Chair)
Councillors J Grimshaw and B Mortenson

Also in attendance: Mr Greenwood – Applicant
Mrs Lightfoot – Premises Owner
Mr Lightfoot – Premises Owner
Mr Bell – Objector
Ms Robinson - Objector

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

Apologies for Absence: Angela Lomax

LHP.302 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LHP.303 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF DOOTIES, 297 & 299 HOLLINS LANE BURY.

The work carried out within 299 Hollins Lane had included the installation of a new ceiling, the change of location of a refrigeration unit and the addition of tiles. The sound system that had been installed was a domestic system with the volume set so that it could not be increased. The music was played at an ambient level to allow conversation and decibel testing had been undertaken by the owner which showed that the noise levels were equivalent to levels of normal conversation.

Mr Greenwood reported that the opening hours had been reduced over the previous 12 months to allow the owners more family time and that in 2019 there had only been 18 occasions when the restaurant had been open up to 11.00pm.

The Panel asked questions of the Applicant and the objectors present also asked questions.

The objectors present were given the opportunity to submit their objections to the Panel. The following concerns were raised:

- Noise disturbance to residents above the premises by loud music.
- Noise disturbance outside the premises from patrons smoking and drinking at the entrance to the premises.
- Residents were disturbed until early morning after due to an event at the premises on New Years' Eve 2018, a quiz night and a prom night event.
- One of the objectors works shifts so sleeps during the day time and is regularly disturbed by noise, particularly from a grand piano.

- The objectors residents have lived in the flats for a number of years and do not want to move but are concerned that their quality of life is being affected.
- There are issues with overflowing bins at the back of the property and not being emptied regularly and not being locked and glass bottles are put in with general waste.

The Panel asked questions and the Applicant was given an opportunity to ask questions.

Those present were given the opportunity to sum up.

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:

- 1) the Council's published Statement of Licensing Policy
- 2) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in April 2018.

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. The Premises Licence Holder has held a licence for 299 Hollins Lane, Bury since 2016.
2. The Premises Licence Holder is also the Designated Premises Supervisor.
3. The premises operate as a family restaurant run by the Premises Licence Holder and his partner.

4. The premises has a sound system that plays ambient music operated by the Premises Licence Holder and his partner. This includes the volume which is set by amplifiers located in the ceiling.
5. The premises has benefitted from an additional ceiling and the refrigeration unit has been moved and additional tiling provided.
6. The application is for a variation of the premises licence to incorporate 297 Hollins Lane, which the Premise Licence Holder has leased and being operating a business from since 2018.
7. 297 Hollins Lane, has been operated by the Premises Licence Holder as an ice-cream parlour but this closed in October 2019 and it is proposed to use it as the main restaurant entrance, bar and waiting area.
8. The bar has been moved from 299 into 297, allowing for more tables and therefore an increase in customers or 'covers' from 36 to 44.
9. There have been issues regarding noise affecting residents in the flats above due to a grand piano, which has been removed and on three specific occasions when events have taken place on New Years' Eve 2018, a charity quiz night and a prom night event. There have been no recent events or complaints.
10. There have been concerns regarding waste disposal associated with the premises, but the contract with the waste company has been terminated and a new company engaged.
11. There is no evidence that varying the premises licence to incorporate 297 will have or potentially have an adverse impact on the promotion of licensing objectives.

Delegated decision:

The evidence was considered with care and following hearing from all parties, having understood the application and equally understanding the representations made and objections raised, in accordance with its duties and in light of the relevant policy and guidance the Panel considered it reasonable, balanced, appropriate and proportionate, **To Allow the Application for the Variation of the Premises Licence** as set out in the report, there being no concerns as to promotion of the licensing objectives set out in the Licensing Act 2003.

**COUNCILLOR Rafiq
Chair**

(Note: The meeting started at 10.00 am and ended at 12.30 pm)