

**Minutes of: LICENSING HEARING PANEL**

**Date of Meeting:** 19 April 2021

**Present:** Councillor T Holt (in the Chair)  
Councillors G Keeley and I Schofield  
A Green (Legal)

**Also in attendance:** Mr K. Clarke & Police Constable (P.C.) G. Scott  
Mrs J Witkowski (Legal)

**Public Attendance:** The Hearing was live streamed to the public.

**Apologies for Absence:** A. Lomax

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**1 APOLOGIES FOR ABSENCE**

The Head of Public Protection, Angela Lomax.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3 MINUTES OF THE LAST MEETING**

The minutes of the last Licensing Hearing Panel held virtually on the 1<sup>st</sup> April 2021 were attached to the agenda.

**Resolved:- That the minutes of the LHP held virtually on the 1<sup>st</sup> April 2021 be approved as a correct record.**

**4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF KRAVE COFFEE LIMITED, 478 BURY OLD ROAD, PRESTWICH, M25 1NL**

The applicant is Krave Coffee Limited, 478 Bury Old Road, Prestwich, M25 1NL. At the time of the application, no proposed Designated Premises Supervisor (DPS) had been identified.

The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

Representations were received within the appropriate period by the Licensing Authority.

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

All documentary evidence provided with the agenda pack comprising the application, the report and representations were served on all parties in advance of the hearing.

The proposed operating schedule shows the following:

- a. Supply of alcohol – For consumption On/Off the Premises.  
Monday to Sunday 11.00 until 22.00
- b. Opening Times  
Monday to Friday 07.30 until 22.30  
Saturday to Sunday 09.00 until 22.30

It was reported that since the application had been submitted, Greater Manchester Police (GMP) had submitted a representation requesting that the Panel do not grant the application as submitted. Since then, mediation between GMP and the Applicant took place and they have accepted the proposals attached in Appendix 1.

During the Panel Hearing, the Panel heard oral representations from the Applicant.

He provided a business plan about opening in the evening time to provide a new later menu introducing pizzas and gourmet burgers served with a selection of bottled craft beers and wine. The set up would not be to promote the location as a bar but to add alcoholic drinks to the menu to generate revenue and improve the business.

The Licensing Unit Manager enquired how long the establishment had been trading and it was reported that the business had opened in February 2020 following refurbishment works at the location from 2019.

The exact location of the premises was confirmed with the neighbouring businesses to the unit mentioned.

Clarification was sought about the current opening times and the issue of residential properties above the premises.

The applicant stated the new opening hours listed in the report would replace the current arrangements and above the premises was a beauty salon owned by himself. One of the above neighbouring units was empty and it was believed the unit on the other side was occupied by the family who run the Chinese take away business in the row of shops.

P.C. Scott from Greater Manchester Police enquired about non application for a DPS. The applicant acknowledged to save on unneeded expenditure, if the application was successful today then the store manager would attend a training course to fulfil this role. An additional member of staff may also be employed who could have bar work experience and hold a DPS qualification.

The Licensing Unit Manager reported that guidance and advice would be offered in relation to a variation of a DPS. The Council's legal representative clarified with the applicant about being unable to trade alcohol until a DPS was approved.

The Licensing Unit Manager informed the Panel that one interested party had made a relevant representation to this application commenting on anti-social behaviour and the proximity of housing. This representation was read out to the panel and was also attached at Appendix 2 in the agenda packs.

The applicant responded to the representation that in the four years of his girlfriend running a beauty salon in the area he had not witnessed any ASB issues. Also, that groups of young people would not be the type of customer expected to be visiting the type of establishment that was being created.

The Licensing Manager also asked how licensing objectives may be met with the additional opening hours and the applicant confirmed that CCTV would be in operation along with relevant staff training. There were also barriers to segregate private seating areas outside and signage displayed to follow rules in place. In connection with protection of children from harm the applicant added that the protection of children condition would be met via the challenge 25 scheme.

P.C. Scott asked if the outside seating was part of the premises or located on the public pavement. The applicant stated the seating was temporary and he had an email trail from the Council's Highway Department to allow this. The Licensing Unit Manager would check with the relevant Highways Officer about a pavement licence.

The Panel then duly retired to consider the application.

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:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) 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 April 2018

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives together with relevant 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:

The Panel took into account the representations made and submissions of the applicant.

Having considered the representation and the submissions of the Applicant, the Panel did not feel that the proposed business would cause anti-social behaviour or noise.

The Panel found that the Applicant understood that alcohol could not be sold from the premises until a DPS had been appointed. In addition an application to vary the DPS would have to be made once a suitable person had been found to fulfil that role. In connection with that the applicant understood that GMP would make the usual checks.

The Panel noted the type of business trying to be created.

The Panel noted that GMP had agreed with the Applicant a set of conditions to attach to the licence as at APPENDIX 1.

### **Delegated decision**

**1. That the premises licence be granted unanimously as set out in the operating schedule subject to the condition to vary the application for a DPS (Designated premises supervisor); and:-**

**2. That the following conditions are attached to the licence:**

1. The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The recording medium (e.g. disks / tapes / hard drive, etc.) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / authorised officers of the Licensing Authority upon request. The premises licence holder or designated premises supervisor is to provide the police with the contact details of members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request. The premises licence holder or the Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown as soon as is reasonably practicable and in any event within 24 hours.
2. Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
3. A personal licence holder must be contactable when the premise is open to the public.
4. Door staff employed at the premises must be SIA registered and a log must be maintained at the premises showing the full name, date of birth, contact

telephone number and SIA badge number of the Door Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the police, to SIA inspectors and to Authorised Officers of the Licensing Authority on request.

5. Any Door security staff employed to use their best endeavours to prevent persons loitering outside the premises.
6. The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and attend at the meetings of the Pub and Club watch scheme for the area.
7. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery or from moving from one part of the premises to another.
8. The premises are to maintain an incident book to record the details of incidents / crime / descriptions of individuals involved. The incident book must be made available to the Police/authorised officers of the Licensing Authority on request.
9. Customers are to be prevented from leaving the premises with glasses or open bottles.
10. No drink shall be removed from the premises in an unsealed container save for consumption in any delineated area.
11. Clientele must not be admitted to the premises within 30 minutes of the end of licensable activity.
12. The DPS/ Licence holder must ensure members of staff are adequately trained with regard to First Aid.
13. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
14. The DPS or premises licence holder must develop and operate a dispersal Policy for clientele leaving the premises this may include links to taxis and other transport providers.
15. Prominent clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
16. Music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.
17. All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
18. On occasions when the premises are used/hired to hold a 18th/21st Birthday party, At least one SIA registered security staff is to be employed at the premises for the duration of the function.
19. On such occasions, the sale of alcohol and the provision of regulated entertainment is to cease no later than 22.30hrs.
20. No refuse shall be disposed of or collected from the premises between the hours of 20.00 and 0800 where such disposal or collection is likely to cause disturbance to local residents.
21. The premises will operate a "Challenge 25" proof of age policy, and signage to this effect is to be prominently displayed within the premises. Persons

- who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.
22. Whenever a member of staff refuses to sell alcohol to a person suspected of being under the age of 18, A record of the circumstances of the incident must be made. The refusals book must be made available to the police / authorised officers of the Licensing Authority on request.
  23. All alcohol must be displayed/stored behind the counter.
  24. No person under the age of 18 shall be permitted to remain on the premises after 22.00 hours except when present with a responsible adult.

**COUNCILLOR T HOLT**  
**Chair**

**(Note: The meeting started at 1.00pm and ended at 1.43pm)**