

**Minutes of: LICENSING HEARING SUB COMMITTEE**

**Date & Time of Meeting:** 10 August 2021, 10.00am

**Present:** Councillor S Walmsley (in the Chair)  
Councillors M Smith and Y Wright

**Also in attendance:** Councillor A. Quinn

**Public Attendance:** The Hearing was live streamed to the public via the Council's website and there were 2 members of the public in virtual attendance.

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**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**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 7<sup>th</sup> July 2021 were attached to the agenda.

**Resolved:- That the minutes of the Licensing Hearing Sub Committee held virtually on the 7<sup>th</sup> July 2021 be approved as a correct record.**

**4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF MOZZARELLA, 5 KINGS ROAD, PRESTWICH, M25 0LE**

The Licensing Authority received an application for a premises licence for Mozzarella, 5 Kings Road, Prestwich, M25 0LE, from Fresh Italian Food Mozzarella Limited, 67 Windsor Road, Prestwich, M25 0DB. The proposed Designated Premises Supervisor (DPS) is Mr Benyamin Katzav. No application for a personal Licence had been received from the proposed Designated Premises Supervisor at the time of agenda publication.

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

An amendment had been made to the sale of alcohol times since publication of the report.

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 sub committee.

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.

Extra information with conditions circulated prior to the meeting included:-

- Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.
- The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
- At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including gutters/channels at its junction with the kerb edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements.
- All litter bins only to be left on the street the night before the due day for collection.

The proposed operating schedule showed the following:

- a. Supply of alcohol- For consumption On and Off the Premises  
Monday to Sunday 10.00 to 23.00
- b. Hours open to the Public  
Monday to Sunday 08.00 to 23.30 except Saturday 08.00 until 01.30
- c. Late Night Refreshment (Indoors and Outdoors)  
Monday to Sunday 23.00 to 23.30 except Saturday until 01.30

The Licensing Officer reported that agreement had been reached with the Applicant and Greater Manchester Police with all the conditions listed under Appendix 1 of the report along with:-

- Any person who appears to be drunk shall not be permitted to enter the premises
- Local taxi numbers shall be made available to customers to assist in procuring a taxi
- Staff training shall include the Challenge 25 policy and its operation. The training shall be given to a new member of staff before they commence employment and all staff retrained at least annually.

Appendix 2 of the report contained information in relation to the other interested parties who had made representations to this application.

Mr Horne representing the applicant provided the committee with background information on how many years he had worked at the premises and how the business is run and the type of customers it caters for. In relation to

representations made by Councillor A. Quinn the business had never been made aware of any nuisance noise issue being reported in the local area. The issue of litter had been addressed by the additional conditions added.

Photographs had also been circulated showing no litter problems around the exterior of the premises along with information provided by Kenny Waste Services detailing operational issues which had affected scheduled collections from the premises and impacted upon litter issues

The applicant Mr Katzav added to Members and Officers present that he knew most of the neighbours and cared about the local community. He explained the situation about moving waste supplier, the extra capacity of bin storage obtained and the increased weekly collections.

Representations made by Councillor A. Quinn included reports to himself from local residents about a vehicle parking on the pavement outside the premises along with overflowing bins. Councillor Quinn had taken and distributed photographs of these incidents.

The Council's legal representative provided advice after consultations with all parties and the photographs shared by Councillor A. Quinn would be disregarded and not used as evidence to consider this application by Members of the sub-committee.

The Sub-committee 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.

### **Delegated decision**

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding all of the representations and assurances made by the Applicant and in view of the agreement reached between the Applicant and the Responsible Authorities, the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed unanimously, to grant the application for a Premises Licence, subject to the conditions attached to the report and additional/ amended conditions circulated afterwards being attached to the Licence.

**COUNCILLOR S WALMSLEY**  
**Chair**

**(Note: The meeting started at 10.00am and ended at 11.01am)**