

**Minutes of: LICENSING HEARING SUB COMMITTEE**

**Date & Time of Meeting:** 10 August 2021, 1.00pm

**Present:** Councillor S Walmsley (in the Chair)  
Councillors T Holt and M Smith

**Also in attendance:** J. Witkowski (Legal)  
L. Jones (Licensing)  
B. Thomson Head of Public Protection  
M. Cunliffe (Democratic Services)

**Public Attendance:** The Hearing was live streamed to the public via the Council's website and there were 7 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 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF COSALEA, WALSHAW PARK HOUSE, WALSHAW ROAD, BURY, BL8 1PY**

The Licensing Authority received an application for a premises licence for Cosalea, Walshaw Park House, Walshaw Road, Bury, BL8 1PY from Cosalea Limited, 3 Coleridge Road, Greenmount, Bury, BL8 4EW.

The proposed Designated Premises Supervisor (DPS) is Lisa Moore, 2 Crompton Fold, Bury, BL8 1RE.

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 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.

The proposed operating schedule showed the following:

- a. Supply of alcohol- For consumption On and Off the Premises

- Monday to Thursday 12.00 to 22.30
- Friday & Saturday 12.00 to 23.30
- Sunday 12.00 to 23.00
- Public Holidays 12.00 to 01.00
- Days prior to bank holidays 12.00 to midnight
- b. Provision of Live Music (De-regulated between the hours of 8.00 and 23.00 hours)
  - Public holidays 12.00 to 01.00
- c. Provision of Recorded Music (De-regulated between the hours of 8.00 and 23.00 hours)
  - Friday to Saturday 08.30 to 23.30
  - Public Holidays 12.00 to 01.00
  - Days prior to bank holidays 12.00 to 01.00
- d. Hours open to the Public
  - Monday to Thursday 07.30 to 23.00
  - Friday 07.30 to midnight
  - Saturday 08.00 to midnight
  - Sunday 08.00 to 23.30
  - Public Holidays 12noon to 01.30
  - Days prior to Bank Holidays 12noon to 00.30

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.

8 interested parties had made relevant representations against this application which were attached as Appendix 2 in the agenda pack and covered issues, such as:-

- Noise disturbance
- Antisocial behaviour
- Parking
- Late hours
- Litter
- Extended hours

15 interested parties had also made relevant representations in favour of the application which were attached as Appendix 3 in the agenda pack.

Since publication of the agenda pack Members of the sub-committee were informed that one objection had been withdrawn. Other documents had been circulated to Members both in support and against the application.

Clarity was provided from Mr Hope representing the applicant that the sale of alcohol was listed incorrectly in the report and should read:-

Monday to Thursday 12.00- 22.30  
Friday & Saturday 12.00- 23.30  
Sunday 12.00- 23.00

He provided background information on the business and the applicant Ms Lisa Moore and presented a number of images detailing the external and internal layout of the premises. He also provided an aerial map which showed the

distances of homes nearest to the location and the in direct sight lines. Car parking arrangements and the number of spaces available along with the agreed use of the nearby nursery car park after it closed were provided to the meeting.

Councillor Holt enquired if assurance could be given to residents that local parking would not be hindered and it was reported that around 60% of customers walk in.

The applicant wished to provide an evening dining experience with a new menu and that the local community would be the heartbeat of the business and detailed community events undertaken in the past at another business run by herself.

Representations made by local residents in virtual attendance at the meeting detailed cars parking incorrectly on pavements and blocking the driveways to houses. There were also other local businesses that attracted traffic and the issue of noise was a major concern with people arriving and leaving the premises at night along with being able to drink and eat outside. Whilst there was no objection to the café element of the business the licence application would impact on the community hub.

Support for the application was provided by a local residents in virtual attendance who confirmed the community work the applicant undertakes and how her previous businesses have been managed to an excellent standard.

Information was provided that the type of music to be played would not be disco related but for a relaxed dining experience so people could talk over it.

The Council's legal representative provided advice that representations must be relevant to the licensing objectives defined within the Act. The issue of car parking was not in the remit of the sub committee and that the subject was not relevant under the Licensing Act 2003.

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 being attached to the Licence.

**COUNCILLOR S WALMSLEY**

**Chair**

**(Note: The meeting started at 1.00pm and ended at 3.00pm)**