

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 14 December 2021

Present: Councillor T Holt (in the Chair)
Councillors G McGill and Y Wright

Also in attendance: J. Witkowski (Legal)
L. Jones (Licensing)
M. Cunliffe (Democratic Services)
Mr Celik (Applicant)
Mrs Clarke (Applicants Representative)
Councillors A. Simpson and L. Smith (Representors)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B. Thomson, Head of Public Protection and M. Bridge, Licensing Manager.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING(S)

The minutes of the last Licensing Hearing Panel held virtually at 10.00am and 1.00pm on the 21st October 2021 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held virtually at 10.00am and 1.00pm on the 21st October 2021 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF MEZEPOTAMIA CAFE & RESTAURANT, 6-8 THATCH LEACH LANE, WHITEFIELD, M45 6BE

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Mezepotamia Café & Restaurant, 6-8 Thatch Leach Lane, Whitefield, M45 6BE. The applicant is Lara Restaurant Ltd of 6a Thatch Leach Lane, Whitefield, M45 6XE. The proposed Designated Premises Supervisor (DPS) is Mevlit Celik of the flat above 6-8 Thatch Leach Lane, Whitefield, M45 6BE.

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 from 3 other interested parties who are Councillors on Bury Council.

All 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 circulated prior to the meeting after publication of the agenda pack included a document from JMC Licensing Consultants which addressed the issues raised by the Representors.

The proposed operating schedule showed the following:

- a. Supply of alcohol – For consumption on and off the Premises.
Monday to Sunday 09:00 to 23:30
New Years Eve 09.00 to 00.30
- b. Hours open to the Public
Monday to Sunday 09.00 to 00.00
New Years Eve 09.00 to 01.00

The Deputy Licensing Officer presented a report and the operating schedule with conditions attached in Appendix 1 of the report.

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

Mrs June Clarke, representing the Applicant provided the Sub-Committee with background information as to how the business would operate from the premises, which has laid derelict for the past 25 years. She advised the Sub-Committee that the building had been seen in the local community as an eyesore and would become a high class restaurant in the area. Clarity on a number of points were addressed in relation to representations submitted by the ward councillors. Mrs Clarke explained that the premises would be open to service breakfasts as well as providing facilities for functions such as funerals, weddings and christenings. She went on to explain the finishing time was to enable clients to finish their meals.

It was stated that no local ward councillors had been to visit the Applicant at the premises to discuss their concerns and the restaurant business had no intention of running like a bar or public house. Mrs Clarke also advised the Sub-Committee that the Applicant had also written a letter of information to local residents who lived on residential streets surrounding the location, to explain the plans and stages of the building along with the renovation process and no objections had been lodged from them.

Mrs Clarke further added that there would be noise log books and other recordings of any issues if complaints occurred at the premises.

The Council's legal representative sought clarification as to the spelling of the Applicant's DPS's surname which appeared in the report as Mr Celit. It was

confirmed that the correct spelling was Mr Celik and the Applicant's representative stated she could provide a passport copy to verify this information.

Questions were asked by the Sub-Committee regarding the number of seats available and was advised 70 outside and 40/50 inside. A query was also raised as to the planning permission, but the Legal Advisor stated this was not relevant.

Councillor A. Simpson in her role as a Representor at the meeting drew attention to other restaurants in the Whitefield area and their opening and closing times whilst having concerns about the closing time and impact on local residential in the community.

Councillor L. Smith in her role as a Representor at the meeting questioned how many local residents had received the information letter and which streets had they been distributed to. She also stated that she was happy to arrange a date and time to visit the Applicant's premises but stressed her concerns for policing customers when they leave a premises and felt the hours were too late in a residential area.

Mrs Clarke advised that the letter had been delivered to all houses around the restaurant. She went on to add that the hours were normal within the industry but offered a reduced closing time by half an hour to address any ongoing concerns.

Both the ward Councillors addressed the Sub-Committee and explained the premises are on the edge of a residential area and that there are concerns as to the opening hours and noise from outside and the conservatory. They went on to stress concerns as the restaurant is close to a school and this may impact when children are going to school, taking into account the opening hours and the proposed late closure.

Questions were asked by the Sub-Committee in particular as to clarifying the impact on children. Councillor Simpson advised she was concerned as to the late closing time and the effect on families of people going in and out at midnight.

All parties were invited to sum up and the Representors reiterated that they had received a number of concerns from residents in the local area.

Mrs June Clarke stated the applicant was accepting to amend the last sale of the alcohol condition from 11.30pm to 11.00pm.

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, the Sub-Committee found there were causes for concern so far as the promotion of the licensing objectives in view of the late sales and closing times, in relation to public nuisance. However, it was agreed unanimously, that this could be mitigated by amending the latest time for the sale of alcohol and the closing time, as proposed by the Applicant and its representative at the hearing, in relation to the sale of alcohol ending at 23.00 and not 23.30 and in relation to the closing time of 23.30 and not midnight.

The Sub-Committee therefore granted the licence with the following hours: -

- a. Supply of alcohol – For consumption on and off the Premises.
 - Monday to Sunday 09:00 to 23:00
 - New Years Eve 09.00 to 00.30
- b. Hours open to the Public
 - Monday to Sunday 09.00 to 23.30
 - New Years Eve 09.00 to 01.00

In addition, it agreed that the following conditions to be applied :-

1. A tamper-proof digital colour CCTV system shall be installed and maintained on the premises. All recordings will be retained on the premises for 31 days.
2. The CCTV system must provide a clear head and shoulders view to an evidential quality on the customers entry.
- 3 Record footage must be provided within a reasonable time to an authorised responsible Authority Officer upon request.
4. Such footage must be provided in an immediately viewable format and must include any software etc. that is required to view the footage.
5. The Designated Premises Supervisor shall ensure that the CCTV system is checked at least once ever month. This check shall include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date. A written record of these checks shall be kept on the premises at all times and made available to a representative of any responsible authority on request.
6. Alcohol shall only be supplied to diners ancillary with a substantial food order. 7. A contact number for the Designated Premises Supervisor will be available on the premises when not on duty.
8. Relevant staff will be given the appropriate training on the legislation relating to alcohol and diners under the age of 18.
9. Signage will be displayed in prominent positions as a reminder to staff regarding serving alcohol to under 18's.

10. The premises and toilets are situated on the ground floor A full written Health & Safety assessment will be carried out and fire extinguishers will be in place.
11. Prominent, clear and legible notices shall be displayed at all exits and in key areas, requesting the public to respect the needs of the local residents and to leave the premises and the area quickly and quietly.
12. No exterior lighting will be positioned so it will not be an annoyance to any resident
13. The extractor fan will be fitted with special anti-vibration shock absorbers
14. Deliveries of goods will only be permitted between the hours of 08.00 and 18.00
15. All refuse will be stored in suitable industrial containers and will be removed by a reputable waste company between the hours of 08.00 and 18.00. Page 20 16. When the premise is open for business, except for access and egress, all doors and windows shall be kept closed at all times to control any noise that may escape from the restaurant.
17. The owners shall conduct regular noise assessments at regular intervals after 21.00 if they believe that noise coming from the premises may be causing a nuisance to local residents and use remedial action to reduce if possible.
18. Prominent signage will be displayed advising customers of the designated smoking area. Customers will be encouraged to use the area.
19. Training regarding Challenge 25 and 16 or 17 year old's consuming alcohol on the premises shall be introduced for all staff who are in a position to take food and drink orders, sell or serve customers. This programme shall be made available for inspection at the request of a Responsible Officer. A written record shall be kept of the content of the training for a minimum of 12 months.
20. The premises shall operate a Refusals Log and an Incident Log.
21. A Challenge 25 Scheme shall be in operation at the premises and signage shall be prominently displayed at key areas. The only forms of ID that will be accepted will be valid photographic Driving Licenses, valid Passports, or other reliable photo ID that would be accepted by the Home Office.
22. The DPS or PLH shall conduct six monthly reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews.

**COUNCILLOR
Chair T. Holt**

(Note: The meeting started at 10.05am and ended at 11.46am)