



Classification	Item No.
Open / Closed	

<b>Meeting:</b>	LICENSING AND SAFETY SUB-COMMITTEE
<b>Meeting date:</b>	10 <sup>th</sup> AUGUST 2021
<b>Title of report:</b>	APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF MOZZARELLA, 5 KINGS ROAD, PRESTWICH, M25 0LE
<b>Report by:</b>	EXECUTIVE DIRECTOR (OPERATIONS)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	Sedgley

### **Executive Summary:**

### **Recommendation(s)**

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Mozzarella, 5 Kings Road, Prestwich, M25 0LE.

### **OPTIONS & RECOMMENDED OPTION Options**

- To grant the application in the terms requested
- To grant the application subject to conditions
- To amend or modify existing or proposed conditions
- To refuse the application

## Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

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## Community impact / Contribution to the Bury 2030 Strategy

**Not Applicable**

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## Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

*The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics*

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## Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	.

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## Consultation:

Not applicable

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## Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

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## Financial Implications:

There are no specific issues from the report other than potential costs/risks associated with legal appeals

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## Report Author and Contact Details:

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## Background papers:

Application form  
Representation received  
Plan

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
DPS	Designated Premises Supervisor

### 1.0 BACKGROUND

1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is the relevant legislation.

1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

## 2.0 INTRODUCTION

2.1 The applicant for the licence in respect of the above premises is 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 has been received from the proposed Designated Premises Supervisor at the time of writing this report.

2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.

2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.

2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

- the prevention of crime and disorder
- public safety
- prevention of public nuisance and
- protection of children from harm

## 3.0 THE APPLICATION

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

The operating schedule shows the following:

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

Monday to Sunday                      10.00 to 01.00

Seasonal Variations

From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day

**b. Hours open to the Public**

Monday to Sunday                      08.00 until 01.30

Seasonal Variations

From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day

**c. Late Night Refreshment (indoors and outdoors)**

Monday to Sunday                      23.00 to 01.30

Seasonal Variations

From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day

**4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

4.1 Greater Manchester Police submitted a representation in relation to this application which they request the Sub-Committee to not grant the application in it's current form. Greater Manchester Police have requested conditions are attached at Appendix 1.

4.2 Greater Manchester Police have been mediating with the applicant prior to today's hearing and they have accepted most of the proposal.

**5.0 REPRESENTATIONS FROM INTERESTED PARTIES**

5.1 Two interested parties (Councillors) have made a relevant representations to this application are detailed below:-

- Hours of Operation
- Litter

5.2 These representations are attached at Appendix 2.

**6.0 OBSERVATIONS**

6.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

## **TO PREVENT CRIME AND DISORDER**

- 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 31 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.
- 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.
- A personal licence holder must be contactable when the premise is open to the public.
- 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.
- Any Door security staff employed to use their best endeavours to prevent persons loitering outside the premises.
- 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.
- 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.

## **PUBLIC SAFETY**

- Customers are to be prevented from leaving the premises with glasses or open bottles.

- No drink shall be removed from the premises in an unsealed container save for consumption in any delineated area.
- Clientele must not be admitted to the premises within 30 minutes of the end of licensable activity.
- The DPS/ Licence holder must ensure members of staff are adequately trained with regard to First Aid.
- There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
- 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.

## **PREVENTION OF PUBLIC NUISANCE**

- 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.
- 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.
- All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
- On occasions when the premises are used/hired to hold a 18<sup>th</sup>/21<sup>st</sup> Birthday party, At least one SIA registered security staff is to be employed at the premises for the duration of the function.
- On such occasions, the sale of alcohol and the provision of regulated entertainment is to cease no later than 22.30hrs.
- 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.

## **THE PROTECTION OF CHILDREN FROM HARM**

- 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.
- 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.
- All alcohol must be displayed/stored behind the counter.
- 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.

Appendix Two

**From:** Cllr. Quinn, Deborah <[D.Quinn@bury.gov.uk](mailto:D.Quinn@bury.gov.uk)>

**Subject:** Re: New Premises Licence Application - Mozzarella, 5 Kings Road, Prestwich, M25 0LE

Dear David,

Further to my early comments and objection to increased the hours for the above property. I understand this business has been told on a number of occasions regarding leaving refuse including his 4 x1100 bins on the pavement for days to the detriment of the residential area and without any consideration to his neighbours. These bins are over filled and left open attracting vermin. The latest complaint sent this evening to Ben Thomson by Cllr Alan Quinn.

If this business is allowed to open longer, it will generate more refuse which in turn would have a greater negative impact on residents, especially as it seems they have a history of non compliance which I consider antisocial behaviour.

Kind regard,

Cllr Debbie Quinn

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**From:** Cllr. Quinn, Alan <[Alan.Quinn@bury.gov.uk](mailto:Alan.Quinn@bury.gov.uk)>

**Subject:** Re: New Premises Licence Application - Mozzarella, 5 Kings Road, Prestwich, M25 0LE

Dear David,

I object to any increase in extended hours for this premises. 1-00am and 1-30am are far too long for a hospitality business in a residential area to be open. Residents nearby will not be able to get quality sleep time and to be frank this business does not care about residents. I have reported this business twice for leaving rubbish on the pavement in a cavalier fashion.

Thanks,

Alan Quinn.