

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 21 October 2021

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

Also in attendance: J. Witkowski (Legal)
M. Bridge (Licensing)
M. Cunliffe (Democratic Services)
Mr Benjamin Degisi (Applicant)
Ms Toni Genovese (Applicants Partner)

Public Attendance: 1 member of the public was in virtual attendance.

Apologies for Absence: B. Thomson

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B. Thomson Head of Public Protection.

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 10th August 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 10th August 2021 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF FUEL UP BURY, 155 MANCHESTER ROAD, BL9 0TD

The Licensing Authority received an application for a premises licence for Fuel Up Bury, 155 Manchester Road, BL9 0TD from Mr Benjamin Degisi of 34 Scholes Walk, Prestwich, M25 0AZ, who was also the proposed Designated Premises Supervisor (DPS) under Part 3 of the Licensing Act 2003 (the Act).

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

Representations were received within the appropriate period by the Licensing Authority from a Responsible Authority, namely Greater Manchester Police (GMP) and a another interested party.

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 circulated prior to the meeting after publication of the agenda pack included:-

- A statement from Mr Degisi, the Applicant.
- 7 statements of support from members of the public which had been emailed to the Licensing Department.

The proposed operating schedule showed the following:

- a. Supply of alcohol – For consumption on the Premises.

Monday to Thursday	12:00 to 22:00
Friday to Saturday	12:00 to 23:00
Sunday	12:00 to 22:00

- b. Hours open to the Public

Monday to Thursday	08:00 to 22:00
Friday to Saturday	08:00 to 23:00
Sunday	10:00 to 22:00

It was noted that the report should have stated for consumption 'on' the Premises and not 'off'.

The Licensing Unit Manager presented a report that explained that GMP had had made representations in relation to the Premises Licence application requesting that the Sub-Committee do not grant the application as submitted. However, it was stated that since that time, mediation between GMP and the Applicant had taken place and agreement reached as to the replacement of the majority of the operating schedule with the new conditions attached in Appendix 1 of the report. This was confirmed by the Applicants.

Appendix 2 of the report contained information in relation to the other interested party who had made a representation regarding this application.

Mr Degisi and Ms Toni Genovese provided the sub-committee with background information about the business that the reason for the application was with the aim of creating a bistro and not a bar to provide a family environment. Information was provided about parking arrangements in the local area. The Licensing Unit Manager reported that parking was not a matter to take into consideration for licensing matters.

The Applicant was questioned as to his awareness of the Challenge 25 scheme and the associated conditions. The Applicant confirmed his awareness of this and the proposal to implement it.

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 Authority, 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 following conditions in the report (Appendix 1) being attached to the Licence, together with the matters set out within the Operating Schedule within the application, where they are not otherwise covered by the conditions at Appendix 1;

TO PREVENT CRIME AND DISORDER

Conditions to be applied :-

- 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.

- 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.
- Any 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 / 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.
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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, no licensable activity to take place 20 mins before closing.
- 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 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 18th/21st 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 within 30 minutes of the end of licensable activity.
- 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 21.00 hours except when present with a responsible adult.

COUNCILLOR T HOLT
Chair

(Note: The meeting started at 10.00am and ended at 10.25am)