

Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	14 December 2021
Title of report:	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
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	Besses

Executive Summary:

This report relates to 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.

Recommendation

Options & recommended option

- 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.

Community impact / Contribution to the Bury 2030 Strategy

Not applicable

Equality Impact and considerations:

A GM-wide Equality Impact Assessment has been undertaken and a copy is available on request.

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.*

The public sector equality 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

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not applicable	

Consultation:

Not applicable

Legal Implications:

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

Financial Implications:

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

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

Term	Meaning
DPS	Designated Premises Supervisor

Background papers:

Application form
Representation received
Plan

1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are 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 Lara Restaurant Ltd of 6a Thatch Leach Lane, Whitefield, M45 6XE. The proposed Designated Premises Supervisor (DPS) is Mevlit Celit of the flat above 6-8 Thatch Leach Lane, Whitefield, M45 6BE.

- 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	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 conditions contained in the operating schedule submitted by the applicant are contained at Appendix 1.

4.0 REPRESENTATIONS FROM AN INTERESTED PARTY

- 4.1 One relevant representation, from three interested parties (Ward Councillors), has been made against this application a summary of this is detailed below:-
- Parking
 - Start and finish of hours

- 4.2 This representation is attached at Appendix 2.

5.0 Observations

- 5.1 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.

Appendix 1

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.

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.

Appendix 2

I am writing on behalf of the Besses Councillors to object to the proposed licencing hours for the Mexepotamia Café and Restaurant.

This premise is located in a residential area. It is on the route for a number of schools, primary (Whitefield Community Primary) and secondary (Parrenthorn). The Councillors welcomed the repurposing of the premises and hope it will create employment for some of our local residents. The Councillors thought that the premises would specialise in the serving of food and become a specialist eatery which would attract customers for the quality of its food. Some local residents thought this type of venue would enhance the area. We are perplexed at the choice of location for a venue with such extensive licencing hours. There are other locations away from residential areas. The Councillors would be interested to see the business case for the application of the extensive licencing hours.

As Councillors for the area we have extensive concerns about allowing alcohol to be sold from 9.00 a.m. in the morning until 11.30 p.m. in the evening. The extensive hours implies that the Café/Restaurant would act as a public house, this will prove attractive to a different clientle and increase the risk of anti-social behaviour. There are also concerns about the serving of alcohol until 11.30 p.m. and the potential disruption to local residents at throwing out time.

There is also concern about parking in the area. There are already problems because the lack of parking at the Metrolink Station increases the amount of parking on the street. The Mexepotamia Café and Restaurant will worsen the parking. As we all know, parking is a sensitive issue which can cause a great deal of conflict.

As stated previously we are concerned about the disruption this could cause to local residents including the children and the potential to disrupt local residents. Consideration needs to be given to the reduction of licencing that takes into consideration a later start time for the serving of alcohol and a stop time of 10.00 p.m. with a closing time of 10.30 p.m. to reduce the disruption to local residents.

Also what does on and off the premises mean? Is this the sale of alcohol to take away from the premises. There is a shop on the opposite side of the road which sells alcohol. Or are the premises planning on adding outside dining. We could be grateful for some clarification.

Many thanks