

SPEAKERS PANEL (LIQUOR LICENSING)

21 April 2023

Commenced: 10.10am

Terminated: 11.25am

Present: Councillors Drennan (Chair), Bowden and Quinn

In Attendance:

Mike Robinson	Regulatory Services Manager, TMBC
Gemma Lee	Regulatory Compliance Officer, TMBC
Ashleigh Melia	Solicitor, TMBC
Pavithra Coramatia	Proposed Designated Premises Supervisor
Aravind Karri	
Persons making representations	

19. DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

20. MINUTES

RESOLVED

That the Minutes of the meetings of the Speakers' Panel (Liquor Licensing) held on 4 April 2023 be approved as a correct record.

21. APPLICATION FOR A PREMISES LICENCE - BEAN AND BUN, 4 BROADOAK CRESCENT, ASHTON-UNDER-LYNE. OL6 8QE

Ms Lee, Regulatory Compliance Officer, presented the report to the Panel and outlined the procedure whereby an application can be made for a premises licence under Section 17 of the Licensing Act 2003

Ms Lee presented the report to the Panel and identified the steps available to the Panel in determining the application.

Mr Robinson informed the Panel of the brief background to the application as set out in the report.

On 27 February 2023 an application for the grant of a Premises Licence was made by Bean & Bun Ltd. The application sought the authorisation of the sale of alcohol for consumption on the premises only.

The premises opening hours were Monday – Sunday 06:30 – 23:30.

The application sought the authorisation of the sale of alcohol for consumption of the premises on Monday to Sunday 10:30 – 23:00.

The applicant had agreed the following conditions with the Licensing Authority:

- CCTV
- Challenge 25
- Refusals book
- Staff training
- List of authorised persons

- Alcohol sales will be ancillary to the purchase of food
- No vertical drinking at the premises
- No lager, beers or cider above 6.5% abv to be sold

A representation was received from a member of the public which related to concerns regarding the proposed sale of alcohol, which was feared would cause inconvenience and nuisance to residents and nearby business owners, negatively impacting their lives.

The following submissions were made by Ms Coramatia in support of the application:

- Bean & Bun Ltd had been trading for the past 6 months and had a good reputation
- They were a family friendly café from 8am to 5pm the evening
- They were seeking to introduce a new Indian restaurant in the evening from 5pm until 10pm where they could sell alcohol for consumption on the premises
- Customers have decided not to eat at the premises on occasions as they do not sell alcohol
- The focus would be on the food and alcohol will be a drink option with food
- There were no issues with the police, fire department and all their customers were happy; there had been no objections from customers

In response to questions from the Panel, Ms Coramatia confirmed:

- The premises had a 30 people capacity
- They wanted the licence to sell alcohol from 10.30am in the morning until 10.30pm at the latest
- There had been no complaints about the business
- The police were encouraging of their business when they first opened and they were the premises' first customers
- Ms Coramatia would be the Designated Premises Supervisor and would be at the premises 90% of the time to ensure the licensing objectives were promoted

Representations were then made by a member of the public in objection to the Application:

- The main concern was safety
- She has been doing business [as a Chinese take away] for 14 years and had countless incidents where drunk people had caused nuisance and violence including shouting, sweating, drunk driving, breaking windows and cooking equipment
- This has caused disruption to the business and made residents in the area feel unsafe
- On one occasion she was physically attacked – this caused her children to become extremely afraid as they live upstairs
- How could the Licensing Authority keep them safe if Bean & Bun Ltd sell alcohol?
- There were shops in the area that sold alcohol and a pub over the road and submitted this was a bit much in a small area
- Plans needed to be made for customer parking if they were considering opening a restaurant
- The road at the front of the shops was very small and can only fit a few cars which would be unsuitable for a restaurant
- There had been some illegal parking on the pavement including blocking entrances which showed disregard for other stores
- There was a lot of school traffic in the area
- If the premises sold alcohol they should provide a private parking space for their customers so other people in the area weren't disrupted

In response to questions, the member of the public confirmed:

- They had reported issues of violence to Greater Manchester Police and by the time the police arrived, the perpetrators had gone, but the police did investigate it
 - Ms Lee stated that she asked the Police if there were any reports made and the police were unable to find any reports of anything

- They were unable to say where the drunk people had come from but they assumed it's places serving alcohol in the area however they were unable to ask them
- They were not suggesting they had come from Bean & Bun as they hadn't sold alcohol yet however if they did sell alcohol, this would be one of their concerns
- Issues of nuisance haven't been reported to the Council – they had discussed this privately with the premises

The Panel then heard brief closing submissions from all parties.

Members of the Panel then retired to carefully consider the written submissions, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer, who provided legal and procedural advice only and took no part in the decision making process.

DECISION/REASONS

In determining the matter, the Panel had due regard to:

- the report to Panel
- the application and representations received
- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder
- the Guidance issued by the Secretary of State under section 182 of that Act.

The Panel determined the application pursuant to section 18(3) of the Act having regard to the relevant representations and the requirement to take such steps as it considered appropriate to promote the licensing objectives.

The key points identified by the Panel were as follows:

1. The Premises were seeking a licence to permit the sale of alcohol for consumption on the premises between the hours of 10:30am and 11pm
2. The Premises intend to open as an Indian restaurant past 5pm in the evening and would like to offer alcohol to customers for consumption with their meals
3. An objection has been received from a member of the public who worked at the premises next door in relation to concerns about the licensing objectives not being promoted due to drunk and disorderly people
4. The member of the public was also concerned that there was limited parking available outside the premises situated outside the 4 stores along Broadoak Crescent
5. The Panel noted that the objectors stated they would not have any issues at all if the premises could provide private parking
6. No representations were made by Greater Manchester Police or any public bodies
7. The Panel had no evidence before it of any of the four licensing objectives being undermined

The Panel considered all available options.

On balance, having carefully considered all of the available information, the Panel concluded that the premises licence should be granted subject to the imposition of conditions agreed prior to today's hearing and further conditions are to be imposed.

STEPS TAKEN PURSUANT TO S52(4) LICENSING ACT 2003

The step that the Panel considered appropriate to promote the licensing objectives was to grant the premises licence subject to conditions agreed prior to today's hearing together with a further conditions relating to the supply of alcohol as follows:

Supply of alcohol (for consumption on premises only)

Monday to Sunday 12:00pm until 10:30pm

The Panel were of the view that serving alcohol from 10.30am would be too early and felt that 12pm was a more appropriate time to supply alcohol to customers during the day.

The Panel noted the concerns raised by the member of the public with regard to parking issues however this was a private issue and beyond the remit of the Panel's powers at the hearing today.

If any issues arose with regard to licensed premises which could not be resolved, a formal review of a licence could take place. An application to vary a licence could also be made.

The Panel thanked those attending the hearing for their contribution and assisting the Panel in reaching its decision.

RESOLVED

That the premises licence be granted subject to conditions agreed prior to today's hearing together with a further condition relating to the supply of alcohol as follows:

Supply of alcohol (for consumption on premises only)

Monday to Sunday 12:00pm until 10:30pm

CHAIR