

## **SPEAKERS PANEL (LIQUOR LICENSING)**

**22 August 2023**

**Commenced: 10.15am**

**Terminated: 1.10pm**

**Present:** Councillors Drennan (Chair), Bowden and Colbourne

**In Attendance:** Mike Robinson Regulatory Services Manager, TMBC  
James Horton Regulatory Compliance Officer  
Ashleigh Melia Solicitor, TMBC  
Alex Smalley Applicant and Proposed Designated Premises Supervisor

Mark Hobson  
Person making representations Agent

#### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

#### **5. APPLICATION FOR A PREMISES LICENCE – VALE MILL LODGE, HUDDERSFIELD ROAD, MOSSLEY. OL5 9LL**

Mr Robinson, Regulatory Services Manager, 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 and identified the steps available to the Panel in determining the application.

The Applicant and Proposed Designated Premises Supervisor then made his submission to the Panel. He explained that the business was family run and planning permission had been obtained. He felt that alcohol went hand in hand with a restaurant and he was asking for a chance to run it. He had experienced no problems running a pizzeria before and alcohol would only be sold with food. His passion was coming from food but would like to serve alcohol with it. There were local breweries which he wanted to use to support them.

It was further explained that he didn't anticipate the sale of alcohol causing any problems. There would be people in the building anyway, even if they don't sell alcohol and he didn't see how there would be an extra nuisance from selling a couple of drinks. He had been reasonable; and addressed the residents' concerns in relation to parking and he noted that parking wasn't within the scope of the hearing. He had taken on board concerns raised and taken provision to get extra parking on the Vale Mill site and have space outside their building for parking. He couldn't afford to re-do the whole site for the car park but if the business was successful he had promised to re-do the car park.

Regarding nuisance outside, the applicant explained there would be no outside music and that people would only be sitting outside. It was in the planning permission to have seats outside as they were not fixed structures however if there were any problems, they could take away the seats. The seats were there for people to sit for an hour or so with food then go about their way.

Finally, the Applicant stated that he had agreed to staff training and could deal with problems as they arose. He wanted it to be a nice place with nice customers and didn't want to engage in short termism.

The Regulatory Compliance Officer then addressed the Panel in relation to his submission as on behalf of the Licensing Authority as detailed in the report. He explained that in order to meet the Licensing Objectives, the following conditions should be added to the licence:

1. CCTV
2. List of Authorised Persons
3. Challenge 25
4. Staff Training
5. Incident Book
6. Noise Monitoring
7. Notice to Customers
8. Outside Area
  - a. No sales of alcohol for consumption in the outside seating area at any time
9. Licensing Activity Times
  - a. Supply of alcohol 10am to 9pm Monday, Tuesday, Wednesday and Sunday
  - b. Supply of alcohol 10am to 11pm Thursday, Friday and Saturday

Full details of these conditions were at pages 39-40 of the Agenda Pack.

Persons submitting representations in attendance at the meeting were then asked to present before the Panel in turn. Before they addressed the Panel, the Chair assured them that that each and every written representation had been read and considered in detail.

Persons making representations raised objections to the application, including:

- very poor access for bin wagons to get down to the bins to take any rubbish and bottles away;
- If it is not policed properly, there would be problems with vermin in the area as there is a stream running down the side of the houses and people have had issues with rats in their houses and gardens;
- Parking issues;
- The possibility of noise nuisance;
- Privacy of the residents in respect of the outside seating area;
- Implications for public safety in respect of possible parking on the bend of the road;
- Perceived inadequate parking facilities for the premises;
- Concerns re: smell and smoke;
- That the area is situated in a dip and is an echo chamber; and
- Light pollution.

All parties were provided with the opportunity to ask questions.

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 Panel identified that the key points to the application were as follows.

The Premises was seeking a licence to permit the sale of alcohol for consumption on the premises (inside and outside), ancillary to table meal including pizza at the restaurant, between the hours of 10am to 9pm Monday, Tuesday, Wednesday and Sunday and 10am to 11pm on Thursday, Friday and Saturday.

The Panel noted that the Applicant had agreed to a list of conditions that appeared at pages 4-7 of the report, namely CCTV, Challenge 25, Staff Training, Incident book, Noise Monitoring, Notice to Customers and a condition that alcohol shall only be served ancillary to a table meal (including pizza) in the restaurant. The Panel also noted that during the hearing, the Applicant indicated that he would be agreeable to a condition regarding the times of bin waste/collections and further conditions for use of the outside area.

The Panel discussed the main concerns of the local residents which primarily related to parking outside the premises and parking on Huddersfield Road, risk of nuisance caused to local residents, risk of privacy issues and risk of litter and smells coming from the premises. The Panel noted the Applicant had considered these concerns and agreed to take the following action to address those concerns:

In relation to nuisance caused by the outside area, the Applicant agreed that the outside area could only be used until 7pm with last orders for food and alcohol consumption outside being 6pm. The Panel acknowledged that if the Applicant wasn't seeking a license to sell alcohol, he would be able to operate as a business regardless and make use of the outside area. The Panel were of the view that in order to promote the licensing objectives and to ensure there were no issues to neighbouring properties and local residents, the sale of alcohol should be limited to consumption indoors only and ancillary to a meal. The Panel felt that alcohol being consumed indoors only would prevent any disturbances to neighbouring properties and by restricting the time by which people could eat outdoors to 7pm, would ensure there were no disturbances in the evening.

The Panel noted the Applicant agreed to use a barrier to prevent the premises from encroaching on the highway and agreed to continue using bistro curtains for privacy reasons or review this should there be any further issues raised by the residents.

In addition, the Panel noted the Applicant agreed to using a signage regarding parking outside the premises and being considerate to neighbouring properties. The Panel discussed the issue of parking and acknowledged that whilst there might be issues, parking was outside the remit of the Panel's powers at the hearing and any concerns regarding parking should be reported to the Council's Highways department.

The Panel noted the Applicant agreed that he didn't want people to smoke on or outside the premises, however the Panel acknowledged that he would be unable to control what customers did outside the premises boundary and on the highway. The Panel therefore felt that by having a condition that there be a designated smoking area outside the premises and away from neighbouring properties, the Applicant can direct encourage customers to smoke there which would prevent smoke going into neighbouring properties and receptacles could be provided for cigarette and tobacco waste to be deposited in, to prevent cigarette and tobacco waste from accumulating.

The Panel noted the Applicant agreed to use bins between certain hours of the day to prevent nuisance to the residents and agreed that a condition that bins not be collected between 6pm and 10am would prevent disturbance to neighbouring properties.

The Panel acknowledged each and every concern of the residents and noted that they only had the power to make a decision based on the evidence it had before it and not based on what might happen in the future. The Panel felt that whilst there were a lot of concerns regarding what might happen, the Panel did not have evidence before it of any issues that had arisen as the business was not yet operating. The Panel therefore felt that the conditions they had imposed would prevent disturbances to the residents and promote the licensing objectives and further noted that if there were any problems, the premises licence could be reviewed.

Finally, the Panel noted that if any issues arose after the business began operating, the residents could complain to Environmental Health for any issues regarding noise and smells/ventilation and should there be any anti-social behaviour, this could be reported to the Council's anti-social behaviour team.

The Panel considered all available options.

On balance, having carefully considered all of the available information, the Panel concluded that

### **STEPS TAKEN PURSUANT TO S52(4) LICENSING ACT 2003**

On balance, having carefully considered all of the available information, 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 (at pages 4-7 of the report) together with further conditions:

1. supply of alcohol for consumption on the premises only:  
12pm to 9pm on Monday, Tuesday, Wednesday and Sunday  
12pm to 10pm on Thursday, Friday and Saturday
2. All alcohol sales will be ancillary to the purchase of food.
3. There shall be no vertical drinking at the premises.
4. There shall be no sales of alcohol for consumption in the outside seating area at any time.
5. No food shall be consumed outside the premises after 7pm.
6. There shall be a designated smoking area outside the premises and away from neighbouring properties
7. Bins shall not be collected between the hours of 6pm and 10am

It was noted that if any issues arose with regard to licensed premises which could not be resolved, a formal review of a licence could take place.

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 (at pages 4-7 of the report) together with further conditions:**

1. **supply of alcohol for consumption on the premises only:**  
**12pm to 9pm on Monday, Tuesday, Wednesday and Sunday**  
**12pm to 10pm on Thursday, Friday and Saturday**
2. **All alcohol sales will be ancillary to the purchase of food.**
3. **There shall be no vertical drinking at the premises.**
4. **There shall be no sales of alcohol for consumption in the outside seating area at any time.**
5. **No food shall be consumed outside the premises after 7pm.**
6. **There shall be a designated smoking area outside the premises and away from neighbouring properties**
7. **Bins shall not be collected between the hours of 6pm and 10am**

**CHAIR**