

SPEAKERS PANEL (LIQUOR LICENSING)

11 July 2024

Commenced: 10.00 am

Terminated: 4.00 pm

Present: Councillors Drennan (Chair), Quinn and Warrington

Officers In Attendance: Mike Robinson Regulatory Services Manager (Licensing),
Tameside MBC
Esther Young Solicitor, Tameside MBC

In Attendance: PC Gregory Howard GMP (Part)
Sharon Campbell Licensing, Tameside MBC (Part)
Tracy Jones-Lacey Trading Standards, Tameside MBC (Part)
Sami Jafar Applicant, Amsterdam Off Licence (Part)
Bina Pahlevan Interpreter for Sami Jafar (Part)
James Horton Licensing, Tameside MBC (Part)
Interested Parties (Part)
Ryan Robinson Applicant, Café Continental (Part)
Mark Hobson Licensing Agent, Café Continental (Part)
Members of the Press

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. MINUTES

RESOLVED

That the Minutes of the meeting of Speakers' Panel (Liquor Licensing) held on 13 June 2024 be approved as a correct record.

8. APPLICATION FOR A PREMISES LICENCE - AMSTERDAM OFF LICENCE, 77 MARKET STREET, DROYLSDEN, M43 6DD

At the start of the hearing, at the request of the Chair, Mr Jafar's Interpreter confirmed that Mr Jafar could understand the proceedings but if at any point during the hearing he was struggling to understand or required any clarification, the Interpreter would interrupt so a translation could be made.

Mr Robinson, Regulatory Services Manager, outlined the procedure whereby an application can be made to the Licensing Authority for a Premises Licence under Section 17 of the Licensing Act 2003. He presented the report to the Panel and identified the steps, mentioned in Section 18 subsection (4) of the Licensing Act 2003, available to the Panel in determining the application as follows: -

- a) to grant the Licence subject to –
 - (i) such conditions that the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) current mandatory conditions.
- b) to exclude from the scope of the Licence any of the licensable activities to which the application relates.
- c) to refuse to specify a person in the Licence as the Premises Supervisor.
- d) to reject the application.

The Licensing Act 2003 (hearings) Regulations 2005 and the Guidance issued pursuant to s182 of the Licensing Act 2003 set out the procedure for the hearing.

He advised the Panel that Amsterdam Off Licence, 77 Market Street, Droylsden, M43 6DD did not currently hold a licence. On 18 April 2024, a new premises licence application (at Appendix 2 of the Report) was received from an agent on behalf of Mr Sami Changa Jafar.

Mr Robinson informed the Panel that the premises had previously held a licence for the sale of alcohol, under the name Save More Convenience Store but had a history of non-compliance, outlined as follows: -

On 6 December 2022, the premises licence was suspended by Speakers Panel (Liquor Licensing) for a period of 3 months and conditions amended, following a Premises Licence Review Application, which was submitted by the Licensing Authority in relation to sales of illicit tobacco and breach of licence conditions.

The premises licence was subject to another Premises Licence Review and a Speakers Panel (Liquor Licensing) hearing took place on 19 December 2023 following further concerns of illicit tobacco and illegal vapes being sold at the premises, along with failure to comply with conditions of the licence. Following this review the licence was revoked, at the time of the revocation, the holder of the premises licence was Reza Enyati. A copy of the Decision Letter was at Appendix 3 of the Report.

The appeal period for the revocation of the premises licence for 75-77 Market Street, Droylsden, ended on 10 January 2024. No appeal was submitted against this revocation by the Licence Holder and the licence ceased to be valid from this date.

On 10 January 2024, Sharon Campbell, Regulatory Compliance Officer, carried out a visit alongside PC Craig Foley, Police Licensing Officer to ensure that the store was aware that the premises was no longer licensed. During this visit, Officers found that alcohol was still on sale and PC Foley found illicit tobacco on the premises.

On 6 February 2024, an email was received from the previous owner, Reza Enayati stating that Harpak Molanpour had purchased the business from him.

On 21 February 2024, Mrs Campbell conducted another visit to the premises. On this visit, she observed that alcohol was still displayed in the window. Mrs Campbell was advised that Sami Changa Jafar, who was present at the time, was now the owner of the business. Mr Jafar was advised that the premises was no longer licensed for the sale of alcohol and that all alcohol should be removed from display and sale. Mrs Campbell followed up this visit with letters to Mr Jafar, confirming that the premises should not be selling alcohol. A copy of the letter was at Appendix 4 of the Report.

The Panel were informed that on 13 March 2024, a test purchase was carried out by a Regulatory Compliance Officer. The Officer purchased a prepackaged can of gin and tonic. The sale was made by a female member of staff, aged under 18.

Following this test purchase, Mrs Campbell and PC Craig Foley visited the premises and spoke to the female member of staff. The member of staff advised that she worked for Mr Jafar and that he was visiting the cash and carry. Contact was made with Mr Jafar, requesting him to attend the premises. Mr Jafar attended and was aggressive towards both Mrs Campbell and PC Foley and had to be restrained by PC Foley. Mrs Campbell observed that alcohol was on display at the time of the visit, both behind the counter and in the fridges.

On 11 April 2024, the Licensing Authority received an application to transfer the licence from an agent on behalf of Mr Jafar. Contact was made with the agent to advise that the licence had been

revoked and as such could not be transferred. The application was rejected by the Licensing Authority.

On 12 April 2024, Phil Morton, Regulatory Compliance Officer, made a visit to the premises. On this visit, Mr Morton observed that alcohol was on display in the window, behind the counter and in the fridges. Mr Morton advised the staff member to remove all the alcohol from sale as the premises did not hold a licence.

On 25 April 2024, a test purchase was carried out by Stephen Heyes, Neighbourhood Engagement Officer, where an illegal vape was purchased from the premises.

On 29 April 2024, Trading Standards Officers took part in Operation Diamond alongside Greater Manchester Police. As part of this Operation, a visit was carried out to 75-77 Market Street, Droylsden and a quantity of illicit tobacco and illegal vapes were seized.

Mr Jafar's agent, JMC Licensing, contacted the Licensing Department on 9 May 2024 to advise that they were no longer representing Mr Jafar.

On 28 June 2024, a Regulatory Compliance Officer was travelling along Market Street, Droylsden, whilst in traffic they looked inside the shop and noticed that alcohol was on the shelves inside the premises. A visit was subsequently carried out the same day and the Officer found a significant amount of alcohol stored in the fridges, uncovered and there were no signs to inform the public that alcohol could not be sold. The Panel were directed to photographs taken at the time and were at Appendix 9 of the Report.

Mike Robinson informed the Panel that representations had been received from: -

- Licencing
- Greater Manchester Police
- Trading Standards
- Public Health

Mr Robinson highlighted the Home Office statutory guidance issued pursuant to s182 of the Licensing Act 2003, an extract at section 4.1 of the Report gave guidance on 'Determining actions that are appropriate for the promotion of the licensing objectives.'

Mr Jafar then addressed the Panel and made the following representations: -

- When Mr Jafar bought the shop, he said that he did not know there was no licence and he said that he was advised by the previous owner that there was a licence; as there was alcohol on the shelf, Mr Jafar said that he believed him.
- Mr Jafar applied for a licence, which he said took two months.
- Mr Jafar said that the Regulatory Compliance Officer had put her hand in the fridge when it was closed and took the can of gin & tonic. The can was the same size as Red Bull and Mr Jafar said that his girlfriend, who served the Regulatory Compliance Officer, did not know it was alcohol.
- Mr Jafar stated that he cannot read English and did not understand the letter.
- Mr Jafar said that he thought that he could apply to transfer the licence to his name but was told that he could not sell alcohol as the shop had no licence.
- He advised that the next day the Police Officer came to the shop and said that he could not sell alcohol. The Police Officer found someone in the back of the shop, outside the premises but let him go.
- Mr Jafar said that people came early and the freezer was open. Mr Jafar said he was not selling the alcohol, the shop was empty, there was no alcohol left, there was nothing in the shop, in the freezer, in the back of the shop, they had to move everything. He stated that there was rubble and waste because the ceiling fell in.
- Mr Jafar said that no alcohol was being sold and there were signs on the fridges stating that no alcohol was for sale.

Mr Jafar showed the Panel footage on his mobile phone, detailed as follows: -

- A video dated 20 June 2024 showing the moment the ceiling fell in and the debris in the back of the shop.
- Text messages sent to the Landlord of the premises on 26 June 2024 about making repairs to the ceiling.
- Four photographs from 21 May 2024 showing the fridges closed and signs stating that no alcohol was for sale.

Meeting attendees were provided with the opportunity to ask questions. Mr Jafar stated the following in response to questions: -

- Mr Jafar was asked whether he held a Personal Licence and the date he completed the Personal Licence Qualification Course. Mr Jafar confirmed he did hold a Personal Licence and said that he completed the course in February.
- Mr Jafar confirmed that the course informs of what can and cannot be done and made clear that alcohol could not be sold without a licence. He confirmed awareness that it was an offence to display alcohol for sale without a licence.
- Mr Jafar was asked why he has continued to sell alcohol and not removed it from the premises. He advised he was trying to get a licence. He said that no one had access to the back of the premises, the shutters were on the fridges, he did not have the space to store the alcohol at home and his friends would not take it from him as they could buy their own.
- Mr Jafar confirmed he became the owner of the business around 19 February 2024, advising that he purchased it from the previous owner Harpak Molanpour for £8,000 cash. He said that he did not use a solicitor and found the offer on Facebook Market Place.
- He informed the Panel that he lived in Gorton, which was not close to the shop. He had not been to the shop previously and did not really know the area before purchasing it.
- Mr Jafar had relied on the owner telling him there were no problems with the shop but according to Mr Jafar the owner had lied to him about the premises having a licence. Mr Jafar stated that he did not know the previous owner and would not have put his money into something that was no good.
- Mr Jafar said that he did not ask to see a copy of the licence at the time of purchasing the shop. He notified the Panel that he owned a barbers shop and did not know anything about licencing at the time. Mr Jafar confirmed he bought the business before completing the Personal Licence course.
- In response to questions about the letter from Sharon Campbell, Regulatory Compliance Officer dated 21 February 2024, Mr Jafar explained that English was not his first language, he struggled to translate it and he said that he could not understand the formal language used within the letter.
- Mr Jafar was asked about the test purchase of a can of gin & tonic and a receipt seen of the purchase, which stated it was gin & tonic. Mr Jafar clarified that his girlfriend thought it was a can of energy drink not Red Bull as it was a similar size, his girlfriend is only 17 and works at a swimming pool.
- When asked about the ceiling collapse and why he did not close the premises, he stated that the collapse was at the back of the premises and did not affect the shop. Water was leaking from the flat above, Mr Jafar was recording a video of the problem to show the landlord when the ceiling came down.
- Mr Jafar was asked about the photographs at Appendix 9 showing alcohol displayed in the fridges. He confirmed he had purchased all the alcohol. When he applied for a licence Mr Jafar advised that the shop was empty of alcohol, he had been told to move it into the back and not leave anything in the shop. Mr Jafar stated he moved the alcohol back into the shop after the ceiling collapse in the back so repairs could be done and he had no choice but to put the alcohol in the fridge.

PC Howard presented a representation on behalf of Greater Manchester Police. PC Foley, who had submitted the representation, was not in attendance and PC Howard proceeded to read from the statement submitted by PC Foley (appended to the Report at Appendix 6).

PC Howard confirmed he was present on the day of the visit on 29 April 2024, he chased after a male running from the premises, who was later confirmed to be an illegal immigrant.

Meeting attendees were provided with the opportunity to ask questions.

Tracey Jones-Lacey, Trading Standards Officer, presented a representation on behalf of Tameside MBC Trading Standards Service. Ms Jones-Lacey referred the Panel to her written representation (appended to the Report at Appendix 7).

Meeting attendees were provided with the opportunity to ask questions.

Sharon Campbell, Regulatory Compliance Officer, submitted a representation on behalf of the Licensing Authority. Ms Campbell referred the Panel to the content of the representation (appended to the Report at Appendix 5).

Meeting attendees were provided with the opportunity to ask questions.

Mr Robinson informed the Panel that James Mallion from Public Health, who had submitted a representation, was unable to attend the meeting and directed the Panel to the representation at Appendix 8 of the Report.

The Panel heard brief closing submissions from those present.

Mike Robinson, Regulatory Services Manager (Licensing) stated that he could understand one occasion of a breach of licencing but there had been four occasions (that the Authority were aware of) since Mr Jafar had become the owner of the premises. He stated that he had never seen such a flagrant disregard of licencing law.

PC Gregory Howard, Greater Manchester Police, commented that he worked with schools in the Droylsden area, stating that illegal vapes were a big concern with numerous students having to go to hospital.

Tracey Jone-Lacey, Trading Standards Officer, stated that she had been dealing with the business since 2022 and regardless of who the owner was, there had been numerous issues. Trading Standards had tried to work with the business owners, including Mr Jafar, but he had not co-operated and had no regard for the licencing objectives.

Sharon Campell, Regulatory Compliance Officer, stated that there had been numerous visits and opportunities given. Due to the sale of alcohol with no licence, illicit tobacco and illegal vapes all faith in the business had been lost.

Sami Changa Jafar was given the opportunity to make a closing submission but had nothing further to add.

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

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 relevant representation 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: -

- The Premises Licence was revoked in December 2023 due to persistent Licence breaches. It was noted that the Application before the Panel was made by a new owner, Sami Changa Jafar, who took over the business in February 2024 and therefore the Panel were considering the events since.
- A Council Enforcement Officer observed alcohol on display in the shop window on 21 February 2024. Mr Jafar was clearly advised to remove all alcohol from display and sale. This advice was confirmed by letter.
- The Panel were concerned that despite the advice given, a Regulatory Compliance Officer was able to purchase alcohol in a test purchase on 13 March 2024. The sale was made by a female member of staff, aged under 18. Alcohol was on display in the shop at the time of the visit and on a subsequent visit on 12 April 2024.
- On 25 April 2025, a test purchase was carried out by a Neighbourhood Engagement Officer, where an illegal vape was purchased from the property.
- Following this and as part of a joint operation between GMP and Trading Standards Officers, a visit was carried out on 29 April 2024 and a quantity of illicit tobacco and illegal vapes were seized.
- As recently as 28 June 2024, Council Officers observed a significant amount of alcohol stored in the fridges, uncovered and no signs to inform the public that alcohol could not be sold.
- The Panel were extremely concerned about the flagrant disregard to the licensing objectives and legislation despite numerous compliance visits, advice provided to the premises and the Applicant having completed a Personal Licence Holder Course in February 2024.
- The Panel were of the view that this business has not and cannot be run effectively to promote the licensing objectives.

STEPS TAKEN PURSUANT TO S17 LICENSING ACT 2003

The Panel considered all available options.

On balance, having carefully considered all of the available information and having regard for the Applicant's disregard to the licensing objectives, legislation and advice from professionals and evidence of the sale of illegal vapes and alcohol from the premises without a Premises Licence since taking over the business in February 2024, the Panel unanimously agreed that the only step available to promote the licensing objectives was to reject the application for a Licence.

RESOLVED

That the application for a Premises Licence for Amsterdam Off Licence, 77 Market Street, Droylsden, M43 6DD, be rejected.

9. APPLICATION FOR A PREMISES LICENCE - CAFÉ CONTINENTAL, 5 MELBOURNE STREET, STALYBRIDGE, SK15 2JE

Mr Robinson, Regulatory Services Manager, outlined the procedure whereby an application can be made to the Licensing Authority for a Premises Licence under Section 17 of the Licensing Act 2003. He presented the report to the Panel and identified the steps, mentioned in Section 18 subsection (4) of the Licensing Act 2003, available to the Panel in determining the application as follows: -

- a) to grant the Licence subject to –
 - (i) such conditions that the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) current mandatory conditions.

- b) to exclude from the scope of the Licence any of the licensable activities to which the application relates.
- c) to refuse to specify a person in the Licence as the Premises Supervisor.
- d) to reject the application.

The Licensing Act 2003 (hearings) Regulations 2005 and the Guidance issued pursuant to s182 of the Licensing Act 2003 set out the procedure for the hearing.

Mr Robinson presented the Report to the Panel and identified the steps available to the Panel in determining the application (s18(4) Licensing Act 2003).

He informed the Panel that an application for a new premises licence at Café Continental, 5 Melbourne Street, Stalybridge, SK15 2JE was received by the Licensing Office on 7 May 2024. The named applicant and proposed Designated Premises Supervisor (DPS) was Mr Ryan Robinson. The application sought the authorisation of licensable activities, namely the sale of alcohol and regulated entertainment. The application was summarised as follows: -

The Provision of Live Music – indoors

Thursday 19:00 – 23:00

Fri-Sat 14:00 – 01:00

Sun 14:00 – 23:00

The Provision of Recorded Music – indoors

Sunday - Thursday 09:00 – 23:00

Fri-Sat 09:00 – 01:00

The Provision of Late Night Refreshment – indoors

Fri-Sat 23:00 – 01:00

Sun 23:00 – 00:30

The Supply Of Alcohol – On the premise only

Sunday - Thursday 11:30 – 23:00

Fri-Sat 11:30 – 01:00

Premises Opening Hours

Sunday – Thursday 09:00 – 23:00

Friday – Saturday 09:00 – 01:00

The Panel were notified that in response to the application, the Licensing Authority received representations from a number of concerned residents residing in the immediate vicinity of the premises. The representations mainly related to concerns regarding noise, which was feared would cause inconvenience and nuisance to residents living nearby and negatively impact on their lives.

On Monday 20 May 2024, Loni Davies, Regulatory Compliance Officer, emailed the applicant's agent with a set of proposed conditions to ensure effective promotion of the licensing objectives.

On 18 June 2024, the Licensing Section received an email from the Applicant's Agent regarding the proposed conditions sent to the applicant, setting out the reasons the Applicant objected to several of the conditions.

On 26 June 2024, James Horton, Regulatory Compliance Officer, attended a mediation meeting held by the applicant at Café Continental. Two of the three members of the public who had submitted representations also attended the meeting. The meeting was arranged to enable those who had submitted a representation to discuss their concerns in relation to the application. At the time of writing the report, no representations had been withdrawn following the mediation meeting.

Mr Robinson made reference to the email from the Applicant's Agent, Mark Hobson at Appendix 4 of the Report. This email referred to the licence conditions for the Gladstones premises. With the

agreement of the Chair and Applicant, Mr Robinson highlighted the main differences between the Gladstone premises licence and the conditions proposed for Café Continental as follows: -

- Gladstone's were licenced until 11pm.
- Door Staff were required at Gladstones for events on a risk assessed basis, whereas the proposed conditions for Café Continental was Friday and Saturday nights and also on a Sunday preceding a bank holiday from 9pm until 20 minutes after the premises closed.
- The licence for Gladstone's contained a condition that alcohol could only be served seated and while eating by a waiter service.
- An additional condition for Café Continental was that noise generated by regulated entertainment must be inaudible at the nearest noise sensitive location.

At the request of the Panel, Mr Robinson confirmed the late-night operating hours of other nearby venues as: -

Vevas	00:00
Deli Felice	11pm
Candolim	03:00
Purple Olive	00:00
Pinnochios	00:00
Sorriso	01:00

Mr Robinson highlighted the Home Office statutory guidance issued pursuant to s182 of the Licensing Act 2003, an extract at section 4.1 of the Report gave guidance on 'Determining actions that are appropriate for the promotion of the licensing objectives.'

Mr R Robinson and Mr Hobson then addressed the Panel and made the following representations: -

- Mr R Robinson explained that the premises would be a restaurant and he confirmed that they were looking to provide a safe environment and entertainment to diners for a mature clientele to come out and stay out for the remainder of the night with music playing without it feeling like a nightclub or pub.
- Mr R Robinson highlighted that the Ivy in Manchester, for example, had a DJ on until midnight.
- He explained that he had learnt a lot on the Personal Licence Course, he said that having gone in sceptical he realised there was a lot to it [being a Designated Premises Supervisor].
- Mr R Robinson explained that he had requested a licence until 1am on weekend nights but expected to close earlier. He highlighted that 85% of businesses close in the first year. The time between 10pm and midnight for the supply of alcohol was important for operating and making a profit. He did not want to be in a position where he was having to ask customers to leave if they were still enjoying themselves and having drinks.
- Mr R Robinson stated that he had worked in hospitality for 14 years, he was extremely experienced and enjoyed a good reputation. He did not want the venue to be known as a bar, his intention was for the venue to be a restaurant and the focus to be on food. He advised that he had a Head Chef coming from London, who he said he had known for 5 years.
- Mr R Robinson explained that he had looked at Stockport and Uppermill as options for the opening, he advised that he lived in Mossley and thought Stalybridge would be a good target audience. He suggested that the mature clientele he was targeting had more disposable income and tended to stay in one spot for the evening.
- Mr R Robinson said he would work with the College to bring in staff and the Council. He was looking to employ 15 plus staff from the local area.
- He said he was aware of bars who could play music until 1:30am and wanted the freedom to allow customers to stay and enjoy themselves. He stated that Covid killed hospitality, and he wanted people to be able to enjoy alcohol responsibly and listen to music.
- Mr R Robinson said that he was genuinely concerned for the residents with noise etc however he reminded the Panel that the premises was located in a town centre.

- Mr R Robinson sought to assure the Panel that he did not want to open as a bar and if they became known as one then they would have failed. However, they wanted to offer what was on offer in Manchester. He suggested he could go to Manchester but it was harder to survive there.
- Mr R Robinson was looking to do a Saturday evening service and Sunday roasts, also to be able to put on a comedian on a Thursday but he stressed that the direction of the business would be directed by the customers. He emphasised that the application for a licence was a starting point.
- Mr R Robinson stated that a lot of money had already gone into the business, his house was on the line. He stated the discussion was about things that had not happened yet and no wrongdoing had taken place. He could understand a slap on the wrist if he did something wrong and would look to change his business model in the unlikely event that occurred.
- Mr R Robinson said that he had offered the residents his personal number and would do his best to keep them happy, they were looking to operate in a safe and responsible way. He stated that he wanted the freedom to decide what happened with his own business with support from the Council.
- Mr Hobson explained that the Applicant had taken on a shop in the centre of Stalybridge, which had been closed for 6 years and was looking to bring a derelict building back into use.
- There would be lots of positive benefits, including support to the local economy and the creation of local jobs. This type of use would help the vitality of the town centre.
- Mr Hobson explained that the proposal was for a café/restaurant, the Applicant did not want it to be a pub or nightclub. It would be a food led business, as demonstrated by the plans. However, customers wanted to be entertained and be able to hire the premises for events.
- Mr Hobson explained that later opening hours had been requested to prevent having to apply for late night notices.
- Mr Hobson assured the Panel that the premises would be well run, he stressed that bad reviews spread quickly, and the Applicant did not want that to happen.
- He could understand the concerns of the neighbours/residents however the premises were in the heart of the town centre, which could be busy, and some noise was inevitable due to its location.
- Mr Hobson stated that the Applicant wanted a good relationship with the neighbours and Mr R Robinson would manage the premises to the best of his ability. He wanted the neighbours to be customers and had provided his personal mobile number to them.
- Mr R Robinson referred to the comments about crime and disorder and said they were actually reducing crime, having assisted the Police in uncovering a cannabis farm in a flat above the premises.
- Mr Hobson commented that other food led businesses in the area did not have door staff and the requirement was heavy handed.
- Mr R Robinson stated it was not normal to see door staff at a restaurant, maybe a late night bar or a function for people they did not know but for the general public it was off-putting and his reputation was paramount.
- Mr R Robinson referred to the expense also of employing door staff.
- Mr Hobson acknowledged that public safety was more important but door staff were unnecessary for a food led business. It was not unreasonable to expect people to come in for a meal and stay for a few drinks.
- Mr R Robinson stated that the venue could hold a maximum of 60 but would be looking for lower numbers. The kitchen would be open until 9:30pm so guests could be eating until 10:30/11pm.
- Mr R Robinson said that he would not want to pigeonhole himself but would say no to groups of lads and hen dos.

Meeting attendees were provided with the opportunity to ask questions. Mr R Robinson and Mr Hobson stated the following in response to questions: -

- In response to a request for clarity about Mr R Robinson 14 years' experience in hospitality, he advised that Café Continental would be his full time business, he had a beauty business and had an agency for musicians and bands. He stated that he had worked for an individual

restaurant company, had worked for Tiger Tiger and his family had owned clubs, meaning that he had worked in the night life industry for many years.

- Ryan confirmed that the Ivy in Manchester did have door staff but they were 'door greeters' wearing formal attire as part of the overall experience. He stressed that The Ivy had a bar as well and was not just a restaurant, however, he added that they had a larger capacity and the necessary budget to employ the 'door greeters.' Mr R Robinson stated he would not have the budget to directly employ his own staff and would therefore have to use an agency to hire door staff and consequently he would not know who would turn up.
- In response to comments about door staff being generally required for venues which had later terminal hours in order to comply with licensing objectives, Mr R Robinson stated that he did not have an issue with door staff being required from 11pm but they needed to be employed for a minimum of 4 hours therefore it would not be cost effective for them. He stated that he would be prepared to consider this option in principal but would have to consider the costs and the impact on his business.
- Reference was made to another nearby premises, SK15. It was confirmed that they had door staff but 4 hours commented they only offered food until 3pm and then reverted to alcohol. He emphasised that they are wet led and Café Continental would not be.
- 4 hours stated that he may look to get a pavement café licence for eating outside in the future so customers could enjoy a glass of wine in the daytime/early evening but was happy to accept that no drinks could be taken outside.
- In response to a question about whether the Applicant would accept the requirement for hourly perimeter inspections, Mr R Robinson confirmed that would be fine and he was happy to accept such a condition.
- Reference was made to the suggested condition that entertainment noise be inaudible at the nearest noise sensitive location, Mr R Robinson commented that it would be hard to know/monitor such a condition. He did not want noise to be heard but the tenant's had said in their representations that they could hear music from Deli Felice. There could be ambiguity about where noise was coming from and Mr R Robinson would not want to "cop" for someone else's noise.
- Mr Hobson commented that perimeter inspections were a reasonable approach and it would be unrealistic to expect not to hear noise in a town centre location.
- The Applicant was asked if any sound checks had been carried out, Mr R Robinson advised that they were not yet at that stage. He added that furniture etc. would reduce noise and when everything was in situ in the premises, things such as sound checks would be carried out.
- Mr R Robinson confirmed that the front shop windows do not open.
- In response to a suggestion that Mr R Robinson made comments at the mediation meeting that the premises would be a 'cabaret bar' also a reference to 'bottomless brunches,' Mr R Robinson advised that he said 'brunches' and any comment about 'cabaret' was intended to mean customers being serenaded while eating. He stated that the restaurant would be French themed and 'cabaret' was a French word.
- In response to a request for the Applicant to clarify the closing hours and when music would finish, Mr R Robinson could not answer specifically. He stated he would manage the venue to the best of his ability to ensure there was not nuisance. He did not want complaints and was happy to give nearby residents his number and have open communication with them.
- In response to questions and comments about the difference between the Applicant's business and other nearby venues, Mr R Robinson stated that he had been in Deli Felice until midnight, Sorriso had a capacity of 150, they were a restaurant with functions upstairs. Sorriso were not in a town centre but located in a residential area.
- Mr Hobson commented that the Applicant was looking for flexibility with the operating hours so he did not have to keep coming back for temporary licences.

Mr Horton, Regulatory Compliance Officer, submitted a representation on behalf of the Licensing Authority. Mr Horton referred the Panel to the content of his written representation (appended to the Report at Appendix 5).

Mr Horton stated that the majority of the points made in his representations had already been covered in the Hearing. He added that due to the location of the premises and proximity to residential properties the conditions as listed were recommended.

Meeting attendees were provided with the opportunity to ask questions.

Three members of the public had submitted representations, who were present at the Hearing, addressed the Panel in turn (appended to the Report at Appendix 6, 7 and 8).

The first representative stated that she had no objections to the venue being a restaurant, her objection was to live music and the noise, which would come with that until 1am (which she commented was late). She stated that she owned the shop next door and had a tenant living upstairs who she did not want to lose.

The second representative, who was a nearby resident, agreed with the point made by the first representative. She stated that she had lots of issues with Deli Felice as they keep their windows open. They noted that the Applicant had said they would not, but she said that was very nervous about the whole thing.

The third representative, who was a nearby resident, supported what had already been said. He advised that he had not been able to attend the mediation meeting due to work commitments. He stated that his bedroom was right above the premises. He acknowledged that he was living in a town and appreciated that the Applicant did not have a crystal ball but had concerns about the vagueness around the closing time and when music would finish. He advised that he worked at Tameside Hospital on a fixed hours rotating shift pattern. He said that he was worried that the overspill of music would keep him awake and that would be a problem when he had to wake up at a certain time.

Meeting attendees were provided with the opportunity to ask questions.

The Panel heard brief closing submissions from those present.

Mike Robinson, Regulatory Services Manager (Licensing) emphasised the need for the Panel to agree suitable hours and conditions if they were minded to grant the licence and make a decision on the proposed conditions in dispute.

James Horton, Regulatory Compliance Officer, stated the need to find a happy medium between the parties and that conditions should be fair and proportionate. He emphasised that the venue location on Melbourne Street, was in close proximity to residents. It was noted that there had not been any representation from TMBC Environmental Health.

Members of the public confirmed that they were happy for a restaurant to open especially as the venue had been empty for a number of years. The only concern was the noise from live music and the impact that could have.

Ryan Robinson, Applicant, emphasised that the local SK15 premises, which were operating magnificently with a late licence, had no issues. He wanted the freedom to operate in the way he wished without restrictions given that 85% of restaurants failed in the first year.

Mark Hobson, Licensing Agent, stated that the Council were promoting the regeneration of the town centre and the type of business that the Applicant was looking to operate should be promoted. He stated that the Council had enforcement powers it could utilise, which hopefully would not be needed.

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 relevant representation 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: -

- The potential for noise and public nuisance to nearby residents and members of the public resulting from music and the late evening/early hours consumption of alcohol within the premises.
- The extent of the hours during which licensable activities could take place if a licence was granted on the terms applied for and if, restricting the active hours to midnight on Friday – Sunday would make an appreciable difference to the licensing objectives.
- The proposed conditions set out within Appendix 3 of the Regulatory Manager's report had been agreed by the Applicant with the exception of Condition 9 requiring door supervisors on weekend nights from 9pm and Condition 14 requiring noise generated to be inaudible at the nearest noise sensitive location.
- The Applicant was happy to agree to a condition requiring the need for door staff to be in place on a risk assessed basis and understood the necessity of door supervision for parties and other organised events to meet the licensing objectives.
- The Panel took into account the proposed condition for hourly Perimeter Inspections to take place as part of the Premise Licence conditions when entertainment was taking place to monitor noise and meet licensing objectives.

The Panel considered all available options. On balance, having carefully considered all the available information, the Panel decided that the licensing objectives were best achieved by: -

1. Granting the application
2. Restricting the licensable activities as follows: -

The Provision of Live Music – indoors

Thursday 19:00 – 23:00

Fri-Sat 14:00 – 00:00

Sun 14:00 – 23:00

The Provision of Recorded Music – indoors

Sunday - Thursday 09:00 – 23:00

Fri-Sat 09:00 – 00:00

The Provision of Late Night Refreshment – indoors

Fri-Sun 23:00 – 00:00

The Supply of Alcohol – On the premise only

Sunday - Thursday 11:30 – 23:00

Fri-Sat 11:30 – 00:00

Premises Opening Hours

Sunday – Thursday 09:00 – 23:00

Friday – Saturday 09:00 – 01:00

3. Adopting the conditions set out within Appendix 3 with the following changes:

Condition 9 – Door Staff amended to:

The need for door staff will be regularly reviewed and risk assessed by the Premises Licence Holder.

Condition 14 – Entertainment to be inaudible be removed.

RESOLVED

That the Premises Licence be granted subject to the following conditions:

- (i) **Restricting the licensable activities as follows: -**

The Provision of Live Music – indoors
Thursday 19:00 – 23:00
Fri-Sat 14:00 – 00:00
Sun 14:00 – 23:00
The Provision of Recorded Music – indoors
Sunday - Thursday 09:00 – 23:00
Fri-Sat 09:00 – 00:00
The Provision of Late Night Refreshment – indoors
Fri-Sun 23:00 – 00:00
The Supply Of Alcohol – On the premise only
Sunday - Thursday 11:30 – 23:00
Fri-Sat 11:30 – 00:00
Premises Opening Hours
Sunday – Thursday 09:00 – 23:00
Friday – Saturday 09:00 – 01:00

(ii) CCTV

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police. The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage.

Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must 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 must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights act.

(iii) Incident Book

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises**
- (ii) Any incident involving controlled drugs (supply/possession/influence) on the premises**
- (iii) Any other crime or criminal activity on the premises**
- (iv) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)**
- (v) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18**
- (vi) Any call for police assistance to the premises**
- (vii) Any ejection from the premises**

(viii) Any first aid/other care given to a customer

(iv) **Challenge 25**

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

(v) **Refusals Book**

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be

recorded. The details to be recorded must be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of i.d. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

(vi) **Staff Training**

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

(vii) **No Drinks Outside**

The Designated Premises Supervisor must ensure that no drinks are taken or consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.

(viii) **Notices to Customers**

Notices requesting customers to leave quietly must be displayed in a prominent position next to each entrance/exit. The Designated Premises Supervisor must ensure that customers are encouraged to keep noise to a minimum when leaving the premise.

(ix) **Perimeter Inspections**

The Designated Premises Supervisor must ensure that perimeter inspections are undertaken every hour when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is taking place. These inspections must be recorded in a book, which must be made available

for inspection to Local Authority Officers and Greater Manchester Police on request.

(x) **Door Staff**

The need for door staff will be regularly reviewed and risk assessed by the Premises Licence Holder.

(xi) **Door Staff Policy**

The management shall produce and implement a Door Supervisor Policy, which includes details of disciplinary procedures, and the management's expectations as to the behaviour and professionalism of the door staff. This policy will be submitted to GMP and the Licensing Manager on first implementation and following any subsequent changes to the policy.

(xii) **Door Staff Log**

A Door Supervisor Log shall be correctly maintained at the premises. This will include the following details:

- (i) The door staff names, dates of birth and home addresses;

(ii) Full details, name, address and contact number of employment agency used

And for each individual period of trading:

(iii) The name of the individual member of door staff

(iv) His/Her Security Industry Authority licence number

(v) The time and date He/She starts and finishes duty

(vi) The time of any breaks taken whilst on duty

(vii) Each entry shall be signed by the door supervisor, DPS or nominated person

(xiii) List of Authorised Persons

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

(xiv) Doors & Windows

To prevent noise nuisance, all windows and doors at the premise must be kept closed at any time when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is being performed at the premise, except to allow people to enter or exit.

10. DATE OF NEXT MEETING

RESOLVED

That the next meeting of Speakers Panel (Liquor Licensing) scheduled for 15 July 2024 be noted.

CHAIR