

**AGENDA FOR**

**LICENSING HEARING PANEL**

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**To: All Members of Licensing Hearing Panel**

**Councillors :** D Jones (Chair), A Matthews and  
B Vincent

Dear Member/Colleague

**Licensing Hearing Panel**

You are invited to attend a meeting of the Licensing Hearing Panel which will be held as follows:-

|                             |   |
|-----------------------------|---|
| <b>Date:</b>                | Friday, 4 October 2013  |
| <b>Place:</b>               | Committee Room A, Town Hall, Knowsley Street, Bury  |
| <b>Time:</b>                | 1.00 pm (pre-meeting at 12.30 pm)   |
| <b>Briefing Facilities:</b> | If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted. |
| <b>Notes:</b>               |   |

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of Licensing and Safety are asked to consider whether they have an interest in any of the matters on the Agenda and, if so, to formally declare that interest.

### **3 APPLICATION FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF BLA BLA BAR (FORMERLY COCO LOUNGE), 3 SILVER STREET BURY *(Pages 1 - 4)***

A report from the Assistant Director (Localities) is attached


**REPORT FOR DECISION**

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| <b>Agenda Item</b> |  |
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| <b>DECISION OF:</b>   | <b>LICENSING HEARINGS PANEL</b>  |
| <b>DATE:</b>  | <b>4th OCTOBER 2013</b>  |
| <b>SUBJECT:</b>   | <b>APPLICATION FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF BLA BLA BAR (FORMERLY COCO LOUNGE, 3 SILVER STREET, BURY</b>  |
| <b>REPORT FROM:</b>   | <b>ASSISTANT DIRECTOR (LOCALITIES)</b>   |
| <b>CONTACT OFFICER:</b>   | <b>MR M BRIDGE</b>   |
| <b>TYPE OF DECISION:</b>  | <b>COUNCIL</b>   |
| <b>FREEDOM OF INFORMATION/STATUS:</b>   | This paper is within the public domain   |
| <b>SUMMARY:</b>   | This report relates to an application pursuant to section 51 of the Licensing Act 2003, from Greater Manchester Police, for a review of the premises licence in respect of Bla Bla Bar (formerly Coco Lounge), 3 Silver Street, Bury   |
| <b>OPTIONS &amp; RECOMMENDED OPTION</b>   | <ul style="list-style-type: none"> <li>• To revoke the licence</li> <li>• To suspend the licence for a period not exceeding three months</li> <li>• To remove the Designated Premises Supervisor</li> <li>• To exclude a licensable activity from the scope of the licence</li> <li>• To modify the conditions of the licence</li> </ul> |
| <b>IMPLICATIONS:</b>  |  |
| <b>Corporate Aims/Policy Framework:</b>   | Do the proposals accord with the Policy Framework? <b>Yes</b> No   |
| <b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b> | There are no specific issues from the report other than potential costs/risks associated with legal appeals.   |
| <b>Statement by Executive Director of Resources:</b>                                  | The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.   |

|  |   |
|--|---|
| <b>Equality/Diversity implications:</b>  | Yes <b>No</b><br>(see paragraph below)  |
| <b>Considered by Monitoring Officer:</b> | Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation. |
| <b>Wards Affected:</b>                   | East  |
| <b>Scrutiny Interest:</b>                | Internal Scrutiny Panel   |

**TRACKING/PROCESS****DIRECTOR:**

| Chief Executive/<br>Strategic Leadership<br>Team | Executive<br>Member/Chair | Ward Members | Partners |
|--|---------------------------|--------------|----------|
|  |                           |              |          |
| Scrutiny Committee                               | Committee                 | Council      |          |
|  |                           |              |          |

**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 Service.
- 1.3 On Friday 9<sup>th</sup> August 2013, when Greater Manchester Police submitted their application for a review of the Premises Licence, the licence was held by Northwest Leisure Management Limited. A check with Companies House revealed that Mr Jon Paul Entwistle, of 24 Seedfield Road, Bury, was the sole registered director of the company. Mr Christopher O'Brien was the Designated Premises Supervisor (DPS).
- 1.4 On Monday 12<sup>th</sup> August 2013, Mr Darren Lee Harper, who had been the holder of the Premises Licence from 14<sup>th</sup> October 2010 until its transfer to Northwest Leisure Management Limited on 4<sup>th</sup> March 2013, submitted an application to transfer the Premises Licence back into his name and for the transfer to have immediate effect. He also submitted an application to nominate himself as the DPS. At the time of submitting the application, the Licensing Service informed Mr Harper that the Premises Licence was the subject of a pending review hearing and explained the options available to the Licensing Authority in respect of that hearing. The transfer process is now complete and the Premises Licence is now held by Mr Harper who is also the Designated Premises Supervisor.

## 2.0 PROCEDURE

- 2.1 As part of the statutory process the Responsible Bodies and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of the application by placing a Notice on the premises, at the Council Offices and on the Council web site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.
- 2.2 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
- a) the prevention of crime and disorder
  - b) public safety
  - c) prevention of public nuisance and
  - d) protection of children from harm

## 3.0 CURRENT LICENSABLE ACTIVITIES

3.1 The current licensable activities are as follows:

a. **The Supply of alcohol – For consumption on & off the premises:**

Monday to Sunday noon to 4.00am

b. **The Provision of Regulated Entertainment comprising: Recorded Music, the Performance of Dance, the Provision of facilities for Dancing, the Provision of entertainment of a similar description which falls under sections E,F,G,I & J of the Operating Schedule**

Monday to Sunday noon to 4.00am

c. **The opening hours of the premises:**

Monday to Sunday noon to 4.00am

## 4.0 REVIEW APPLICATION

- 4.1 Greater Manchester Police will shortly give their reasons for their application for a review of the premises licence which is based on the Prevention of Crime and Disorder licensing objective. In that application, the police request that the Licensing Authority revoke the Premises Licence.
- 4.2 Greater Manchester Police have requested that the Panel consider regulation 14 of the Licensing Act 2003 (Hearings) Regulations to exclude members of the public from the hearing.

## 5.0 REPRESENTATIONS

- 5.1 Bury Safeguarding Children Board have made a representation in support of the review submitted by Greater Manchester Police.

## **6.0 OBSERVATIONS**

- 6.1 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.

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### **List of Background Papers:-**

Review Application form and supporting documentation

### ***For further information on the details of this report, please contact:***

Mr M Bridge  
Licensing Office  
Town Hall  
BURY  
Telephone No:       0161 253 5209