

**AGENDA FOR**

**LICENSING HEARING PANEL**

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

**Councillors** : T Holt, D Jones (Chair) 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>                | Tuesday, 10 December 2013   |
| <b>Place:</b>               | Lancaster Room, via Elizabethan Suite, Town Hall, Bury  |
| <b>Time:</b>                | 2.00 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 TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF BLA BLA BAR, 3 SILVER STREET, BURY (Pages 1 - 4)**

A report by 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>10<sup>TH</sup> DECEMBER 2013</b>  |
| <b>SUBJECT:</b>   | <b>APPLICATION FOR A TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF BLA BLA BAR, 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 for the transfer of a Premises Licence under section 42 of the Licensing Act 2003 in respect of Bla Bla Bar, 3 Silver Street, Bury                                    |
| <b>OPTIONS &amp; RECOMMENDED OPTION</b>   | <ul style="list-style-type: none"> <li>To reject the application if it considers it is necessary for the promotion of the crime prevention objective to do so; or</li> <li>To grant 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  |

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|---------------------------|--|
|                           | 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 INTRODUCTION**

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is 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 BACKGROUND**

- 2.1 On the 30<sup>th</sup> October 2013, the Licensing Service received an application to transfer the premises licence with immediate effect from Mr Darren Lee Harper to the applicant, Findkeen Limited, 35 Bury New Road, Sedgley Park, Prestwich, Manchester, M25 8JY. When submitting the transfer application, the applicant can indicate that they want the application to have immediate effect. This enables them to continue trading during the 14 day period during which the police can submit an objection to the transfer.
- 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 Chief Officer of Police is entitled to make a representation by way of a notice under section 42(6) of the Licensing Act 2003 in relation to the transfer of a premises licence where he is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.
- 2.4 Where such a representation is made and not withdrawn, members are required to determine whether the transfer application should be granted or not.

**3.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

- 3.1 A notice under section 42(6) of the Licensing Act 2003 was lodged by Greater Manchester Police on 13<sup>th</sup> November 2013 allowing them to make representations.

3.2 The Police will shortly expand upon the reason(s) for their representation in relation to this application which they request the Panel to refuse.

## **4.0 OBSERVATIONS**

4.1 After hearing the representation made and the evidence presented, members are obliged to determine the application with a view to determining if there are exceptional circumstances that would mean granting the transfer application would undermine the crime prevention objective, having regard to the Authority's Licensing Policy and National Guidance.

## **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 issued by the Secretary of State.

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

Application form  
Representation received

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

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Bury  
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