

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 20 December 2013

Present: Councillor (in the Chair)
Councillors D Cassidy, D Jones and A Quinn

Also in attendance:

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence:

643 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting.

644 APPLICATION TO VARY THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE PACK HORSE INN, 52 WATLING STREET, AFFETSID, BURY, BL8 3QW

The Panel met to consider an application to vary a Premises Licence under section 34 of the Licensing Act 2003 in respect of the Pack Horse Inn, 52 Watling Street, Affetside, Bury, BL8 3QW of which representations have been made.

All written representations were contained within the report to Panel.

Documentary evidence comprising the application, the report provided with the agenda and representations were served on all parties in advance of the hearing. Additional documentation was produced by the Applicant at the hearing and all present agreed to its submission.

Written representations in respect of the application had been received from 4 local residents and from a ward Councillor and in attendance at the meeting were 2 local residents and the ward Councillor, Yvonne Wright.

Mr Jonathan Smith (Poppleston Allen Solicitors) presented the case on behalf of Hyde's Brewery Ltd, along with Mr Chris Hopkins, Managing Director, and Mr Bob Brooks, Operations Manager of Hyde's Brewery, and Mr Lee Birchall from DV8 Designs.

The application was as detailed in the report which was presented to the Members of the Panel by the Licensing Manager.

The Panel then heard oral representations from Mr Smith and the representatives from Hydes Brewery Ltd.

The Panel asked questions of the Applicant's representatives.

The Panel then heard from local residents and Councillor Wright.

All parties were offered the opportunity to question the Applicant and vice versa.

All parties were allowed the opportunity to sum up their respective cases.

The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in October 2012

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

FINDINGS

The following facts were found:

1. The licensed premises have operated as a public house for a number of years.
2. The proposed alterations to the internal layout at the premises will result in an extension to the kitchen area, the removal of an exit to the car park, the creation of an additional lobby at the rear, the moving of the disabled and main toilets and the increase in facilities in both.
3. There will be 5 further car parking spaces created as a result of the refurbishment works.
4. Additional measures to reduce noise and smells that may otherwise affect neighbouring properties are to be implemented and monitored.
5. The premises have previously been tenanted but are now to be managed and therefore subject to a different chain of management more closely linked to Hyde's Brewery Ltd.
6. Local residents are to be given the contact telephone numbers of the manageress and Mr Brooks the Operations Manager, to enable them to report any problems or raise any concerns regarding the premises.

7. The brewery is to hold a neighbourhood meeting with local residents before the premises reopen and will continue to hold them by way of 'listening meetings' on a 6 monthly basis.
8. The brewery has invested £650,000 in the refurbishment of the premises.
9. Hyde's Brewery Ltd have previously won awards for other licensed premises they operate.
10. The licensed premises will sell approximately 70% food and 30% drinks, both alcoholic and non-alcoholic.
11. The opening of the premises will create 30 new jobs, and there will be 3 personal licence holders.
12. There is no proposed change in the licensing hours or the opening hours, purely the hours during which light refreshment can be served.
13. The brewery has received building control and planning approval for the proposed changes to the premises.
14. A slate roof is to be put on the outside smoking area.
15. The licensed premises are situated in a quiet village location.
16. Residents and neighbours are happy with the proposed changes in management structure, assurances given by the brewery and proposed meetings.
17. There has been a history of complaints about noise and nuisance in the past.
18. The Panel noted the application to remove the outdated conditions contained within the current premises licence and that there were no issues regarding that part of the application.

Decision:

Having heard from the Licensing Manager, representatives of the Applicant, local residents and ward councillor, the Panel considered the merits of the case.

The Panel considered all the evidence with care and following the evidence of all parties, having understood the application and equally understanding the representations made, on balance the Panel found there were no causes for concern so far as the promotion of the four Licensing Objectives were concerned.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **To Grant the Application for the Variation of the Premises Licence.**

**COUNCILLOR
Chair**

(Note: The meeting started at Time Not Specified and ended at Time Not Specified)