

AGENDA FOR LICENSING HEARING PANEL

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To: All Members of Licensing Hearing Panel

Councillors : D Jones, S Southworth and J Walton

Dear Member/Colleague

Licensing Hearing Panel

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

Date:	Thursday, 23 April 2015
Place:	Meeting Rooms A & B - Town Hall
Time:	1.30 pm
Briefing Facilities:	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.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing Hearings Panel are requested to consider whether they have an interest in any matter on the agenda and, if so, to formally declare that interest

3 APPLICATION FOR A CLUB PREMISES CERTIFICATE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF HOLCOMBE BROOK SPORTS CLUB, HAZEL HALL LANE, RAMSBOTTOM *(Pages 1 - 8)*

Report from Assistant Director Designate (Localities) is attached.


REPORT FOR DECISION

Agenda Item	
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DECISION OF:	LICENSING HEARINGS PANEL
DATE:	23rd APRIL 2015
SUBJECT:	APPLICATION FOR A CLUB PREMISES CERTIFICATE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF HOLCOMBE BROOK SPORTS CLUB, HAZEL HALL LANE, RAMSBOTTOM
REPORT FROM:	ASSISTANT DIRECTOR DESIGNATE (LOCALITIES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report relates to an application for a Club Premises Certificate to be granted under the Licensing Act 2003 in respect of Holcombe Brook Sports Club, Hazel Hall Lane, Ramsbottom, in respect of which representations have been received.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To grant the application in the terms requested • To grant the application subject to conditions • To amend or modify existing or proposed conditions • To refuse the application
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	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.

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

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive 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 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 The applicant for the licence in respect of the above club is Holcombe Brook Sports Club.
- 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 Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a Club Premises Certificate. Where representations are made and not withdrawn Members are required to determine them.
- 2.4 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

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- c) prevention of public nuisance and
- d) protection of children from harm

3.0 THE APPLICATION

3.1 The application is for the grant of a Club Certificate under Part 4 of the Licensing Act 2003:

The operating schedule shows the following:

a. Supply of alcohol – For consumption On the Premises only

Sunday to Thursday	11.00 to 23.00
Friday to Saturday	11.00 to 00.00

b. Regulated Entertainment - Indoor Sporting Events

Monday to Sunday	09.00 to 22.00
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c. Live Music, Recorded Music, Performance of Dance

Sunday to Thursday	11.00 to 23.00
Friday to Saturday	11.00 to 00.00

d. Opening Hours

Sunday to Thursday	09.00 to 23.00
Friday to Saturday	09.00 to 00.00

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

4.1 Greater Manchester Police made representations in relation to the application which were subsequently withdrawn as a result of the applicant agreeing to conditions being attached to any club certificate granted. Those conditions are attached at appendix 1.

5.0 REPRESENTATIONS FROM ENVIRONMENTAL PROTECTION

5.1 Environmental Protection made representation in relation to the application which was subsequently withdrawn as a result of the applicant agreeing to a condition being attached to any club certificate granted. This condition is attached at appendix 2.

6.0 OTHER REPRESENTATIONS

6.1 A letter has been received making representation against this application. The grounds of the letter are summarised as follows:-

- Noise from regulated entertainment
- Noise from people leaving the club, car engines, taxis beeping.

6.2 The representation was received before the end of the objection period.

7.0 OBSERVATIONS

7.1 After hearing the representation 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.

List of Background Papers:-

Application form
Representation received
Plan

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

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

- The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The recording medium (e.g. discs / tapes / hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the Police / Authorised Officers of the Licensing Authority upon reasonable request in line with data protection.

The premises licence holder or designated premises supervisor is to ensure trusted members of staff or (other persons) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.

The premises licence holder must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.

- On an annual basis the club premises certificate holder will ensure the system has been checked, maintained to any recognised specification and is in working order.
- A written record shall be kept every time images of any incident are captured and recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him / her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card, etc), a secure storage. System to store those recording mediums shall be provided.
- Staff training shall take place on the Licensing Act and Licensing objectives when employment commences or every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the council for inspection on request.
- No person in possession of an alcoholic drink in an open or unsealed container shall be allowed to enter the premises.
- No alcoholic drink shall be removed from the premises in an unsealed container.
- Only plastic glasses / plastic bottles / toughened glass are to be used in the outside areas.
- Prominent clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
- The management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises, If it is safe to do so.

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- The premises will operate a "Challenge 21" proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 21 must produce for thorough scrutiny by staff, proof of identity/age before being sold / supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official "PASS" accreditation hologram should be accepted as proof of age.
- The premises is to maintain a refusals book to record the details of any incidents / descriptions of individuals whenever an incident has occurred, staff have ejected a customer or a member of staff has refused to serve a customer. The book must be made available to the police / authorised officers of the Licensing Authority on request.

- **The club premises certificate holder** will ensure that the music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time.
- **The club premises certificate holder** will carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.

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