

**Minutes of: LICENSING HEARING PANEL**

**Date of Meeting:** 28 May 2015

**Present:** Councillor (in the Chair)  
Councillors Adams, R Caserta and D Jones

**Also in attendance:**

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

**Apologies for Absence:**

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**1 DECLARATIONS OF INTEREST**

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

**2 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF MADDOGUITARS, UNIT 5A KAY BROW YARD, KAY BROW, RAMSBOTTOM**

Prior to the Hearing the authority received an application for a Premises Licence under the Licensing Act 2003 in respect of Maddoguitars, Unit 5A Kay Brow Yard, Kay Brow, Ramsbottom

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

Representations in respect of the application were received within the appropriate period from a number of local residents.

All written representations were contained within the report to Panel. All documentary evidence comprising the application, report provided with the agenda and representations were served on all parties in advance of the hearing.

The Panel heard oral representations from the Applicant, Mr Duggan and his friend Mr Nixon. The Panel also heard from Mr Sykes, speaking on behalf of the local residents that had raised objections.

The Panel heard no other representations.

The Panel asked questions of the Applicant, and his representative. 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 proposed licensed premises are located within the cellar of the unit and benefit from soundproofing to all sides.
2. The Applicant had complied with all necessary procedural requirements laid down by the Licensing Act 2003 including giving public notice within the required timescales.
3. The Responsible Authorities were satisfied with the application subject the conditions submitted and agreed with the Applicant.
4. The Applicant has been trading from the premises as a guitar business for 12 months.
5. The maximum legal limit in respect of the number of people permitted within the premises is 60.
6. A meeting had taken place on the premises with the Applicant, objectors and local Ward Councillor

## **DECISION**

Having heard from the Licensing Manager, the Applicant Mr Duggan and his friend Mr Nixon, along with Mr Sykes on behalf of the objectors and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided as follows.

The evidence was considered with care and it was established that 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, particularly in view of the fact that suitable conditions would be attached to the licence as agreed with GMP.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **To Grant the Application for the Premises Licence**, subject to the amendment of the timings for the supply of alcohol. The Panel resolved that, in order to comply with the GMP condition to ensure that the premises be closed to customers 30 minutes after licensing activity has ceased, the supply of alcohol be permitted until **10.30pm** rather than 11pm.

All parties are duly informed that they have 21 days to appeal this decision of the Panel to the Magistrates' Court.

**COUNCILLOR  
Chair**

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