

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 17 September 2015

Present: Councillor N Bayley (in the Chair)
Councillors R Hodgkinson and Kelly

Also in attendance: There were two objectors in attendance, the Applicant, their representative, Greater Manchester Police and one member of the press.

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

Apologies for Absence:

LHP.1 DECLARATIONS OF INTEREST

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

LHP.2 AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF THE LORD RAGLAN. 12 - 14 WATER STREET, RADCLIFFE

Prior to the Hearing the authority received an application submitted by the Applicant. The application was for a Premises Licence under Part 3 of the Licensing Act 2003, for the supply of alcohol to the public.

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

All written representations were contained within the written submissions provided to the Panel.

All documentary evidence comprising the application, the 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.

The Panel asked questions of the Applicant. All parties were offered the opportunity to question the Applicant.

The Panel heard oral representation from Greater Manchester Police.

The Panel asked questions of the Police. All parties were offered the opportunity to question the Police.

The Panel heard oral representation from the objectors.

The Panel asked questions of the objectors. All parties were offered the opportunity to question the objectors.

The Applicant was allowed the opportunity to sum up their case.

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

The Panel considered the oral and written representations from the neighbours and Greater Manchester Police and found there was evidence to support their concerns regarding crime and disorder, anti social behaviour, increased noise nuisance, or littering

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 2014

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.

FINDINGS

The following facts were found:

1. Greater Manchester Police referred to three incidents that had occurred at the premises which had been of a violent nature, one of which had involved Mr Howarth It was noted that following the incidents of 2 May and 25 April 2015 no calls had been made to Police from staff at the pub. On both occasions attempts were made by staff to clean the scene thus impeding the police enquiry. It was also noted that the applicant Director , Mr Howarth had been named as the perpetrator of the assault dated January 2014 and that the CCTV at the premises was said not to be working at the time in question thus impeding the police enquiry. It was also noted that "R" – the previous licence holder had let Mr Howarth out of the back door after the incident.

2. The neighbours' reports of anti social behaviour including persons from the pub urinating in the street, faeces in the street, fighting, littering and excessive noise connected to the pub were found to be significant by the Panel. The issues raised by the residents and Greater Manchester Police tended to lend support to each other.

3. Representation from Greater Manchester Police included intelligence which highlighted concerns regarding the relationship between Mr Howarth and 'R'. Intelligence suggested that Mr Howarth and "R" had a close association and nothing would change in the way the pub was run. "R" was the previous premises licence holder. The premises licence was revoked, due to crime and disorder. GMP asked the Panel to take note of Para 9.12 of the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 concerning representations by the Police. Due note was taken of this by the Panel

4. The Applicant disagreed that there was any association between himself and the previous premises licence holder "R". He disputed that "R" would be concerned in the running of the pub in the future. He said that the statement of the witness made in January 2014 claiming that "R" and the Applicant were friends was incorrect.

5. The Panel preferred the submissions made by the Police concerning the association between the applicant and "R".

6. It was noted by the Panel that the applicant was willing to accept further conditions to the licence and had also agreed to further limit the time for music to be played. However, it was found that this was insufficient to prevent continued crime and disorder and nuisance from the premises

7. It was noted by the Panel that the applicant was a man of previous good character.

8 The applicant asked the Panel to look at the applicant, and his designated premises supervisor rather than the history of the pub. However, the Panel found that the recent history of violence where members of the public were injured and others were put at risk of serious injury was a significant and important consideration when deciding whether a premises licence should be granted. In addition the history of nuisance and anti social behaviour was an important consideration.

9. No compelling argument was put forward by the Applicant to satisfy the Panel that he would take steps to prevent further incidents of crime and disorder and to preserve public safety and prevent public nuisance .

DECISION

Having heard all the oral submissions 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, having understood the application and equally understanding the representations made, on balance the Panel found there were 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 Refuse the Application for a Premises Licence** as set out in the report.

COUNCILLOR N BAYLEY
Chair

(Note: The meeting started at 1.30 pm and ended at 4.00 pm)