

AGENDA FOR



LICENSING HEARING PANEL

Contact:: Andrea Tomlinson
Direct Line: 0161 253 5133
E-mail: a.j.tomlinson@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Licensing Hearing Panel

Councillors : N Bayley (Chair), R Hodgkinson and Kelly

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, 17 September 2015
Place:	Meeting Room A - 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

2 DECLARATIONS OF INTEREST

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

3 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 *(Pages 1 - 8)*

A report from the Assistant Director (Planning, Environmental and Regulatory Services) is attached

REPORT FOR DECISION

DECISION OF:	LICENSING HEARINGS PANEL
DATE:	17th SEPTEMBER 2015
SUBJECT:	APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF THE LORD RAGLAN, 12-14 WATER STREET, RADCLIFFE.
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 Premises Licence to be granted under the Licensing Act 2003 in respect of the Lord Raglan, 12/14 Water Street, Radcliffe, 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:	Radcliffe East
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 INTRODUCTION

- 2.1 The applicant for the licence in respect of the above premises is Lord Raglan Limited, 12 Cann Street, Bury, BL8 4DD. Mr Thomas Kennedy is the proposed Designated Premises Supervisor (DPS).
- 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 licence. 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:-

Document Pack Page 3

- a) the prevention of crime and disorder
- b) public safety
- 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 Premises Licence under Part 3 of the Licensing Act 2003:

The operating schedule shows the following:

a. Supply of alcohol – For consumption On/Off the Premises.

Monday to Sunday 11.00 to 00.30

- Non Standard timings for Christmas Eve, New Years Eve and any day prior to a bank holiday the hours to be extended until 01.30

b. Regulated Entertainment – Live Music, Recorded Music and Late Night Refreshment

Monday to Sunday 23.00 to 00.30

- Non Standard timings for Christmas Eve, New Years Eve and any day prior to a bank holiday the hours to be extended until 01.30

c. Opening Hours

Monday to Sunday 11.00 to 01.00

- Christmas Eve, New Years Eve and any day prior to a bank holiday the hours to be extended until 02.00

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

4.1 Greater Manchester Police will shortly give their reason(s) for their representations in relation to this application which they request the Panel to refuse. However if members are minded to grant the application, they request conditions to be attached and the hours be amended on the premises licence. The conditions and the suggested hours are attached at appendix 1.

5.0 REPRESENTATIONS FROM ENVIRONMENTAL HEALTH

5.1 Environmental Health made representations in relation to the application which were subsequently withdrawn as a result of the applicant agreeing to the conditions that were contained in the representation. Those conditions are attached at appendix 2.

6.0 OTHER REPRESENTATIONS

6.1 Representations have been received from local residents in respect of this application. The nature of the representations received from local residents are summarised as follows:-

- Drugs
- Damage to property

Document Pack Page 4

- Anti social behaviour
- Noise Nuisance
- Parking and Traffic

6.2 All the representations were received before the end of the objection period.

7.0 OBSERVATIONS

7.1 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.

List of Background Papers:-

Application form
Representations 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 premise is 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 type of system and the number / positioning of cameras is to be agreed in liaison with the police. The location of cameras will be recorded on the plan attached to the licence. 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 request. The premises licence holder and/or designated premises supervisor is to provide the police with the contact details of at least two members of staff (or other person(s)) 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 24 hours from the time of the request. The premises licence holder or the Designated Premises Supervisor 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.

All CCTV images will provide sufficient clarity / quality / definition to enable facial recognition. All external areas not visible from the bar will be covered by CCTV.

- A minimum of 2 SIA door staff must be employed at the premises on Friday, Saturday nights, Christmas Eve, New Year's Eve, any day prior to a Bank Holidays between the hours of 9pm and close of the business.
- A daily log must be maintained at the premises showing the full name, date of birth and SIA badge number of the door security staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the Police, to SIA inspectors and to any authorised officers of the Licensing Authority on request.
- Staff training shall take place on the Licensing Act and Licensing objectives all, a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection as soon as reasonably practicable. This to take place every six months and in any event at the commencement of employment for staff.
- A personal licence holder must be on the premises on Friday & Saturday nights, Christmas Eve, New Year's Eve, any day prior to a Bank Holidays between the hours of 9pm and close of business.
- Customers are to be prevented from leaving the premises with glasses or open bottles.
- 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.
- 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.

Document Pack Page 6

- The Beer Garden is not to be used for licensable activities or for the consumption of alcohol after 2200hrs daily.
- 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 DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is potential for nuisance to be caused.
- Bottle bins will not be emptied after 2200hrs and before 0800hrs.
- The premises will operate a "Challenge 25" proof of age policy and signage to this effect is to be prominently displayed within the premises. The till system will prompt staff in relation to age restricted product sales. Persons who appear to be under the age of 25 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 to be accepted as proof of age.
- The premises is to maintain a refusals book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police / authorised officers of the Licensing Authority on request.
- Children will be off the premises by 2100hrs.

Additionally GMP do not agree to hours that have been proposed as such they request that the hours for licensable activities and opening are as illustrated below:

Provision of Live Music:

Monday to Sunday: 23.00 – 23.30hrs

Provision of recorded music:

Monday to Sunday: 23.00 – 23.30hrs

Late Night Refreshment:

Monday to Sunday: 23.00 – 23.30hrs

Supply of Alcohol(on the premises)

Monday to Sunday: 11.00 – 23.30hrs

Hours Premises Open to the public:

Monday to Sunday: 11.00 – 00.00hrs

None Standard timings

No additional hours / timings etc to be granted for Christmas Eve, New Year's Eve, any day prior to a Bank Holidays.

- 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.
- 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 DPS or a member of staff is to 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.
- All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
- 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.
- At an appropriate time before closing time, announcements should be made reminding customers to leave quietly.

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