

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 13 April 2016

Present: Councillor D Jones (in the Chair)
Councillors D Cassidy and R Hodgkinson

Also in attendance:

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

Apologies for Absence:

1 DECLARATIONS OF INTEREST

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

2 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 and Section 100(A)(4) schedule 12 A of the Local Government Act 1972 (Category 7), the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime, and the public interest in doing so outweighs the public interest in the hearing taking place in public.

3 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF BELLINI, 49 BOLTON STREET, RAMSBOTTOM, BL0 9HU. AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF LA CAPANNINA RISTORANTE, 89 - 91 SUNNYBANK ROAD, UNSWORTH, BURY, BL9 8ES

Prior to the Hearing, the licensing authority received two applications pursuant to section 51 of the Licensing Act 2003 from Greater Manchester Police (GMP), for reviews of the Premises Licences in respect of Bellini in Ramsbottom and La Capannina Ristorante in Unsworth.

The applications were outlined in the two reports presented to members of the Panel.

Written representations and statements in relation to the applications from GMP were submitted to the Panel, including a bundle of documents which contained exempt information which was not for disclosure to members of the public pursuant to section 100D to the Local Government Act 1972, as it contained

information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime pursuant to the schedule 12A, Part 1, paragraph 7 of the said Act.

All documentary evidence had been served on all parties in advance of the Hearing.

The Panel heard oral representations from GMP's representative, Mr Richardson. These set out the basis of the applications for review of the premises licences, as detailed in their applications attached to the reports of the Licensing Unit Manager.

The Panel then heard representations from Mr Williams, Solicitor, representing the Premises Licence Holders, Chioggia Limited and Il Tavolo Limited, and heard from the Director of both companies and other witnesses.

The Panel heard no other representations.

The Panel asked questions of GMP, Mr Williams and the witnesses that had attended on behalf of the Premises Licence Holders. All parties were offered the opportunity to question each other. 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 March 2015.

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.

Decision

The Panel returned to the Hearing room to give its decision.

Having heard from Mr Richardson, GMP's representative, Mr Williams the Licence Holder's representative, the companies' director and the witnesses in attendance, the Panel considered the merits of the case and in accordance with its duties decided as follows.

All of the evidence was considered with care and it was established that having understood the request for review and equally understanding the representations made, on balance, the Panel found there were causes for concern so far as the promotion of the following Licensing Objectives were concerned at both premises;

- the Prevention of Crime and Disorder
- Public Safety.

In respect of Bellini the Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, to **Revoke the Licence**.

In respect of La Capannina Ristorante the Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, to **Revoke the Licence**.

The Chair informed those present of their right of appeal within 21 days of receipt of the written decision to Bury and Rochdale Magistrates' Court.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 1.00 pm and ended at 5.20 pm)