

## 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 :** D Cassidy, R Hodgkinson and D Jones  
(Chair)

Dear Member/Colleague

### Licensing Hearing Panel

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

<b>Date:</b>	Wednesday, 13 April 2016
<b>Place:</b>	Meeting Rooms A & B - Town Hall
<b>Time:</b>	1.00 pm
<b>Briefing Facilities:</b>	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.
<b>Notes:</b>	

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

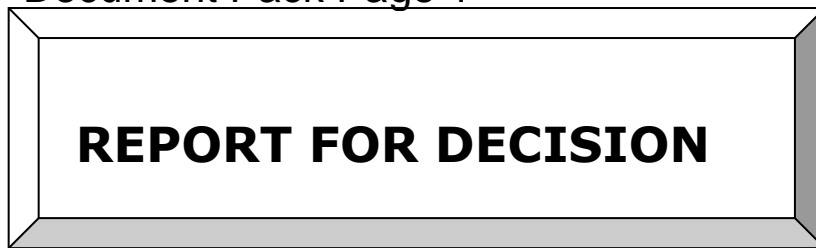
Members of the Licensing Hearings Panel are asked to consider whether they have an interest in any matters on the agenda and if so, to formally declare that interest.

### **3 EXCLUSION OF PRESS AND PUBLIC**

To consider passing the appropriate resolution under Section 100(A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following items of business since they involve the likely disclosure of the exempt information stated.

### **4 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, BLO 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 (Pages 1 - 8)**

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



<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>13<sup>th</sup> April 2016</b>
<b>SUBJECT:</b>	<b>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.</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This report relates to an application pursuant to section 51 of the Licensing Act 2003, from Greater Manchester Police, in respect of Bellini, 49 Bolton Street, Ramsbottom, BL0 9HU.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>• To revoke the licence</li> <li>• To suspend the licence for a period not exceeding three months</li> <li>• To remove the Designated Premises Supervisor</li> <li>• To exclude a licensable activity from the scope of the licence</li> <li>• To modify the conditions of the licence</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
<b>Statement by Executive Director</b>	The cost of the licensing function is funded

<b>of Resources:</b>	through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
<b>Equality/Diversity implications:</b>	Yes <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
<b>Wards Affected:</b>	Pilkington
<b>Scrutiny Interest:</b>	Overview and 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 are 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.
- 1.3 The Premises Licence in respect of Bellini is held by Chioggia Limited, 89 Sunnybank Road, Unsworth, Bury, which is also the address of La Capannina Ristorante. Mrs Monica Marie Bacci and her husband Giancarlo are joint directors of the company. The Designated Premises Supervisor (DPS) is a Mr Dennis Robert Warner. Mr Warner has been the DPS since 4<sup>th</sup> June 2011. He is also the DPS for La Capannina Ristorante.
- 1.4 An online search of the Companies House register established that Mrs Monica Marie Bacci is also the sole director of IL Tavolo Limited which holds the Premises Licence in respect of La Capannina Ristorante.

**2.0 PROCEDURE**

- 2.1 The applicant has complied with all the necessary procedural requirements laid down by the Act.

- 2.2 As part of the statutory process the Responsible Bodies and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of the application by placing a Notice on the premises, at the Council Offices and on the Council web site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.
- 2.3 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
- the prevention of crime and disorder
  - public safety
  - prevention of public nuisance and
  - protection of children from harm

### **3.0 CURRENT LICENSABLE ACTIVITIES**

3.1 The current licensable activities are as follows:

a. The Supply of alcohol – For consumption on & off the premises:

Monday – Saturday	11.00 – Midnight
Sunday	12.00 – 23.30hrs

b. The Provision of Regulated Entertainment comprising:

Recorded music:

Monday – Saturday	11.00 – Midnight
Sunday	12.00 - 23.30hrs

c. Provision of late night refreshment:

Monday - Saturday	23.00 – 00.30hrs
Sunday	23.00 - Midnight

### **4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

4.1 Greater Manchester Police, in their capacity as a Responsible Authority, will shortly give their reasons for their application for a review of the Premises Licence in which the Chief Constable is of the view that there are no conditions which can be imposed on the licence which can mitigate the flaws of the management of the premises. The directors of Chioggia Limited are legally responsible for what occurs at the premises. Consequently, the Chief Constable submits that the only appropriate remedy to promote the Licensing Objectives is to revoke the premises licence.

### **5.0 OBSERVATIONS**

5.1 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.

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### **List of Background Papers:-**

Copy of Review Application

Copy of representations received

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

Mr M Bridge  
Licensing Office  
3 Knowsley Place  
Duke Street  
Bury

0161-253-5209

<b>REPORT FOR DECISION</b>
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<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>13<sup>th</sup> April 2016</b>
<b>SUBJECT:</b>	<b>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.</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This report relates to an application pursuant to section 51 of the Licensing Act 2003, from Greater Manchester Police, in respect of La Capannina Ristorante, 89-91 Sunnybank Road, Unsworth, Bury, BL9 8ES.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>• To revoke the licence</li> <li>• To suspend the licence for a period not exceeding three months</li> <li>• To remove the Designated Premises Supervisor</li> <li>• To exclude a licensable activity from the scope of the licence</li> <li>• To modify the conditions of the licence</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
<b>Statement by Executive Director</b>	The cost of the licensing function is funded

<b>of Resources:</b>	through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
<b>Equality/Diversity implications:</b>	Yes <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
<b>Wards Affected:</b>	Pilkington
<b>Scrutiny Interest:</b>	Overview and 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 are 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.
- 1.3 The Premises Licence in respect of La Capannina Ristorante was granted on 8<sup>th</sup> February 2016 and is held by IL Tavolo Limited, Uglow Farm, Broadhead Road, Edgeworth, Bolton, BL7 0UN. Mrs Monica Marie Bacci is the sole director of the company. The Designated Premises Supervisor (DPS) is a Mr Dennis Robert Warner. Mr Warner is also the DPS of Bellini, an Italian restaurant located at 49 Bolton Street, Ramsbottom.
- 1.4 The previous Premises Licence in respect of La Capannina Ristorante was held by Padova Restaurants Limited until 4<sup>th</sup> January 2016 on which date it was cancelled by the Licensing Authority as a result of the business going into liquidation on 3<sup>rd</sup> December 2015, resulting in the Premises Licence lapsing. During the interim period of the previous licence lapsing and the current licence being granted, the business continued to operate by utilising Temporary Event Notices which were given by Mrs Monica Marie Bacci. An online search of the Companies House register established that Mrs Bacci had been the company secretary and a director of the dissolved Padova Restaurants Limited. She is



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now the sole director of IL Tavolo Limited. She and her husband Giancarlo are also the joint directors of Chioggia Limited which holds the Premises Licence in respect of Bellini, 49 Bolton Street, Ramsbottom.

## 2.0 PROCEDURE

- 2.1 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 As part of the statutory process the Responsible Bodies and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of the application by placing a Notice on the premises, at the Council Offices and on the Council web site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.
- 2.3 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
  - c) prevention of public nuisance and
  - d) protection of children from harm

## 3.0 CURRENT LICENSABLE ACTIVITIES

3.1 The current licensable activities are as follows:

a. The Supply of alcohol – For consumption on & off the premises:

Monday – Thursday	10.00 – Midnight
Friday – Saturday	10.00 – 01.00hrs
Sunday	10.00 – Midnight

b. The Provision of Regulated Entertainment comprising:

Recorded music:

Monday – Thursday	10.00 – 00.30hrs
Friday – Saturday	10.00 – 01.30hrs
Sunday	10.00 – 00.30hrs

c. Performance of live music:

Monday – Thursday	10.00 – Midnight
Friday – Saturday	10.00 – 01.00hrs
Sunday	10.00 – Midnight

d. Provision of late night refreshment:

Monday	23.00 - Midnight
Tuesday - Thursday	23.00 – 01.00hrs
Friday - Saturday	23.00 – 02.00hrs
Sunday	23.00 - Midnight

## **4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

- 4.1 Greater Manchester Police, in their capacity as a Responsible Authority, will shortly give their reasons for their application for a review of the Premises Licence in which the Chief Constable is of the view that there are no conditions which can be imposed on the licence which can mitigate the flaws of the management of the premises. The directors of IL Tavolo Limited are legally responsible for what occurs at the premises. Consequently, the Chief Constable submits that the only appropriate remedy to promote the Licensing Objectives is to revoke the premises licence.

## **5.0 OBSERVATIONS**

- 5.1 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.

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