

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 29 April 2016

Present: Councillor D Jones (in the Chair)
Councillors R Caserta and J Kelly

Public Attendance: Representatives of Greater Manchester Police, the Licence Holders' representative Mr Paul Douglas (Licensing Consultant), Ms Claire Clarke (Director of The Dog House Bury Limited), Ms Alex Clarke (Designated Premises Supervisor) and 4 members of the public were in attendance

Apologies for Absence: -

1 DECLARATIONS OF INTEREST

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

2 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF PICS, 30 - 32 MARKET STREET, BURY, BL9 0AJ

Prior to the Hearing, the Licensing Authority received an application pursuant to section 51 of the Licensing Act 2003 from Greater Manchester Police (GMP), for a review of the Premises Licence in respect of Pics Bar at 30-32 Market Street, Bury.

The application was outlined in the report presented to members of the Panel.

Written representations and statements in relation to the application from GMP were submitted to the Panel.

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

The Panel heard oral representations from Mr Paul Douglas, Licensing Consultant representing the Premises Licence Holder, The Dog House Bury Limited. These set out the basis of a request for the Licensing Hearings Panel to adjourn the hearing as the Premises Licence Holder's Legal representative, Ms Sarah Clover had been unable to attend the hearing due to unforeseen circumstances.

Mr Douglas explained that the request to adjourn was not only in the interest of the Premises Licence Holder but also in the wider public interest. Mr Douglas explained that the Licensees business and the livelihoods of the Director, DPS and other members of staff would be adversely affected without the opportunity to have a fair hearing and that it would be in the public interest and in accordance with their human rights that they be given an opportunity to fully defend the application. Mr Douglas also made reference to Ms Clover's written Opinion on adjournment. Further, Mr Douglas explained that he was not in a position to present the case on behalf of the Premises Licence Holder.

The Panel then heard representations from GMP's representative Mr David Kent, Solicitor. In response to the request to adjourn the hearing, he stated on behalf of GMP that the Panel should not to agree to adjourn the hearing and should go ahead and consider the application from GMP for a Review of the Premises Licence.

Mr Kent explained that the Licensing Authority had agreed the date of this hearing with the Legal Representative acting on behalf of the Licensee after having already changed the date of the hearing to accommodate a request to do so submitted on behalf of the Premises Licence Holder. This was due to both Ms Clover and the Premises Licence Holder's representative being unavailable. Mr Kent stated that any further delay in relation to this application from GMP could be a public safety concern, that Mr Douglas should be able to present the case on behalf of the Licence Holder and that the late request for an adjournment was unacceptable.

The Panel heard no other representations.

The Members of the Panel were advised by the Legal Officer on the issues raised by both parties in relation to the Panel's powers to extend time limits set out in the licensing legislation if it is in the public interest, to adjourn hearings and as to human rights. The Panel then left the meeting to consider the issues presented.

Decision

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

Having heard from Mr Douglas, the Premises Licence Holder's representative and Mr Kent, GMP's representative, the Panel decided to **adjourn** consideration of the application from Greater Manchester Police for the Review of the Premises Licence for Pics Bar, Market Street, Bury.

Panel members were on balance satisfied that it was in the public interest to adjourn the hearing. It noted that albeit the basis of the review related specifically to matters impacting on the licensing objectives of crime and disorder and public safety, it was also mindful of the need to ensure a full and fair hearing for all parties involved, so as to ensure that the decision making process was not undermined and also that those whose livelihoods may be affected, had every opportunity to fully present their case.

The application for the Review of the Premises Licence for Pics Bar was therefore adjourned to Tuesday 10 May, 2016 at 1.30 pm at the Town Hall, Bury.

The Chair thanked all of those present for their attendance.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 1.35 pm and ended at 2.30 pm)