

## AGENDA FOR

## LICENSING HEARING PANEL

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**To: All Members of Licensing Hearing Panel**

**Councillors** : P Adams, 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>	Thursday, 15 September 2016
<b>Place:</b>	Council Chamber - 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 Audit Committee are asked to consider whether they have an interest in any of the matters on the agenda, and, if so, to formally declare that interest.

### **3 APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF WHICH REPRESENTATIONS HAVE BEEN MADE *(Pages 1 - 8)***

Application to vary a Premises Licence under Section 34 of the Licensing Act 2003 in relation to 'Ivory Pan Asian', 190 – 194 Bury New Road, Whitefield, Manchester, M45 6QF.

<b>REPORT FOR DECISION</b>
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<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>15<sup>th</sup> SEPTEMBER 2016</b>
<b>SUBJECT:</b>	<b>THIS REPORT RELATES TO AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF WHICH REPRESENTATIONS HAVE BEEN MADE</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LOCALITIES)</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 to vary a Premises Licence under section 34 of the Licensing Act 2003 in relation to 'Ivory Pan Asian', 190-194 Bury New Road, Whitefield, M45 6QF, in respect of which representations have been received from local residents.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>• To refuse the application</li> <li>• To grant the application in the terms requested</li> <li>• To grant the application subject to conditions</li> <li>• To amend or modify existing or proposed conditions</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 of Resources:</b>	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.
<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>	Besses	
<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 INTRODUCTION**

- 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 BACKGROUND**

- 2.1 A Premises Licence in respect of this premises has been in force since the 24<sup>th</sup> November 2005. The business was trading as China Lounge, a licensed restaurant and bar until the licence was transferred on 20<sup>th</sup> June 2016 to the current licence holder, Robata Grill Limited, t/a Ivory Pan Asian. The registered address for the company is Rose & Co, 273 Bury New Road, Whitefield, Manchester. Mr Scott Raymond Murray of 18 Ashbourne Grove, Whitefield, Manchester, has been the appointed Designated Premises Supervisor (DPS) since the grant of the transfer application.
- 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 variation of a premises 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:-

- 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 a variation to the current Premises Licence under Part 3 of the Licensing Act 2003 for the purpose of removing the Embedded Conditions inherited from previous legislation, adding the provision of live and recorded music to the licence, to extend the operating times and to add off sales of alcohol to the licence.

The current operating schedule authorises the following:

a. Supply of alcohol – For consumption On the premises only.

Monday – Saturday	11.00 – Midnight
Sunday	12.00 – 23.30hrs

b. Late Night Refreshment:

Monday – Saturday	23.00 – 00.30hrs
Sunday	23.00 – Midnight
Bank holiday Monday	30 minutes past alcohol sales

c. Hours the premises are open to the public:

Monday – Saturday	11.00 – 00.30hrs
Sunday	12.00 – Midnight

3.2 The proposed varied operating schedule is as follows:

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

Monday – Wednesday	11.00 – 00.30
Thursday – Saturday	11.00 – 01.30
Sunday	11.00 – 01.00
When New Years Eve falls on a Sunday	11.00 - 01.30

b. Late Night Refreshment (indoors only):

Monday – Wednesday	23.00 – Midnight
Thursday – Saturday	23.00 – 01.00
Sunday	23.00 – 01.30
When New Years Eve falls on a Sunday	23.00 - 01.30

c. The provision of Live & Recorded Music (indoors only):

Monday – Wednesday	11.00 – 00.30
Thursday – Saturday	11.00 – 01.30
Sunday	11.00 – 01.00
When New Years Eve falls on a Sunday	11.00 - 01.30

d. Hours the premises are open to the public:

Monday – Wednesday	11.00 – 01.00
Thursday – Saturday	11.00 – 02.00
Sunday	11.00 – 01.30
When New Years Eve falls on a Sunday	11.00 – 02.00

## **4.0 REPRESENTATIONS**

4.1 Representations in respect of the application have been received from a number of residents who reside within the vicinity of the premises. Their representations are attached to this report and are summarised as follows:

- Objection to the extended opening hours. Being open to 02.00 when residents have to go to work the next day is not reasonable.
- Objections to live and recorded music until 01.30.
- Objections to the supply of alcohol until 01.30, particularly off sales.
- The premises is close to residential properties containing young children.
- Since the opening of similar licensed premises in close proximity to this business, incidents of disturbances have increased to include shouting and fighting in the street up to 5am, litter has been thrown into a residents garden and smashed bottles on the pavement.
- If the application is granted; that conditions are imposed on the licence to prevent local residents being disturbed by loud music emanating from the premises to include the requirement that the premises has sound proofing installed.

4.2 A map showing the location of the premises is attached at Appendix B.

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

## **5.0 LICENCE CONDITIONS AGREED WITH THE POLICE**

5.1 Following liaison with Greater Manchester Police, the applicant has volunteered the conditions attached at appendix A to this report being attached to the varied Premises Licence should the application be granted.

## **6.0 OBSERVATIONS**

6.1 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  
Map of the immediate area  
The representations received

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

Mr M Bridge  
Licensing Office  
Town Hall  
Bury  
Telephone No: 0161 253 5209  
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**Conditions agreed with Greater Manchester Police**

**The Prevention of Crime & Disorder:**

1/ The premises are 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 recording medium (e.g. disks / 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 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 24 hours.

2/ Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.

**Public Safety:**

3/ No drink shall be removed from the premises in an unsealed container.

**The prevention of public nuisance:**

4/ 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.

5/ 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.

**The Protection of Children from Harm:**

6/ The premises will operate a "Challenge 25" proof of age policy, and signage to this effect is to be prominently displayed within the premises. 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 be accepted as proof of age.

7/ The premises is to maintain a refusals / incident 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 and record the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.

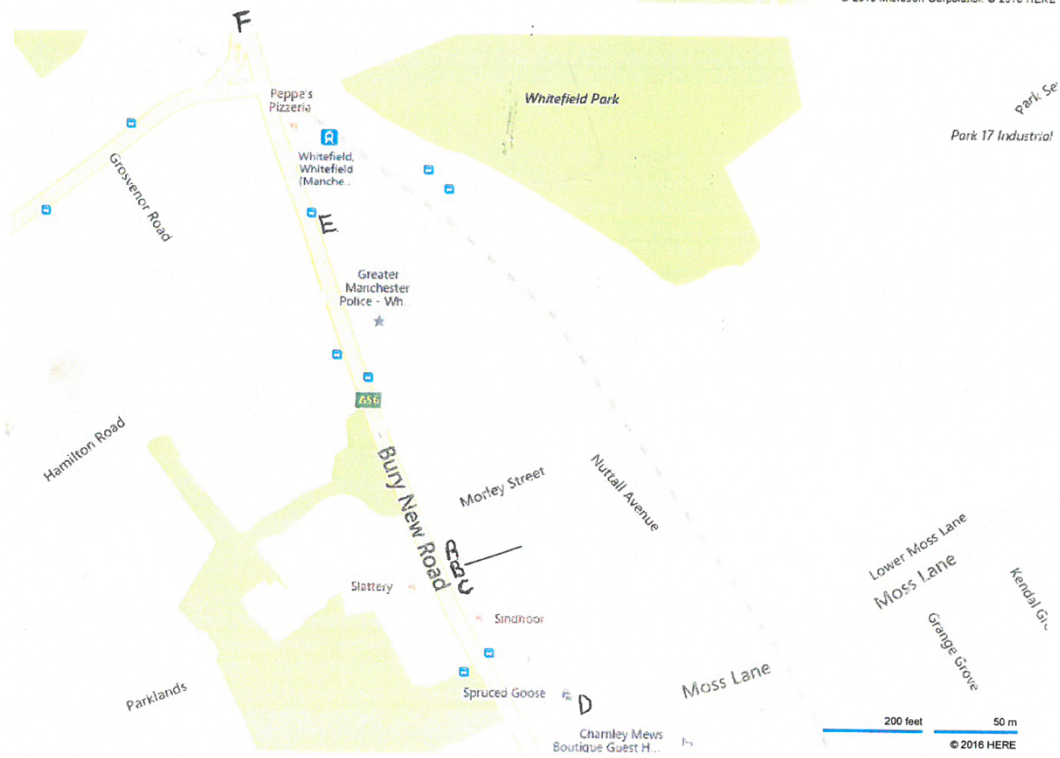


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Notes

Legend:

- A - Ivory Restaurant & Bar
- B - Vehicular access to a private car park
- C - Magnum Whiteline Private Hire firm
- D - Alt House - a licensed premises
- E - The White Room - a licensed premises
- F - Parada - a licensed restaurant



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