

AGENDA FOR

LICENSING HEARING PANEL

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To: All Members of Licensing Hearing Panel

Councillors : D Jones (Chair), G Keeley and J 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:	Tuesday, 4 October 2016
Place:	Meeting Rooms A & B - 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

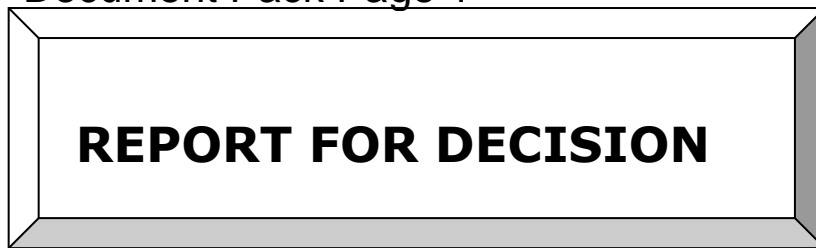
1 APOLOGIES FOR ABSENCE

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 AN APPLICATION FROM A RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF 193 ROCHDALE ROAD BURY *(Pages 1 - 4)*

A report from the Assistant Director (Localities) is attached.



DECISION OF:	LICENSING HEARINGS PANEL
DATE:	4th OCTOBER 2016
SUBJECT:	AN APPLICATION FROM A RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF 193 ROCHDALE ROAD, BURY.
REPORT FROM:	ASSISTANT DIRECTOR (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 from Bury Trading Standards Weights & Measures Service pursuant to section 51 of the Licensing Act 2003 for a review of the Premises Licence in respect of an Off Licence/ General Convenience Store at 193 Rochdale Road, Bury.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To revoke the licence • To suspend the licence for a period not exceeding three months • To remove the Designated Premises Supervisor • To exclude a licensable activity from the scope of the licence • To modify the conditions of the licence
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:	Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
Wards Affected:	East
Scrutiny Interest:	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 193 Rochdale Road, Bury, at the time of the incident in question was held by Mr Faisal Amin, of 62 Oxford Street, Bury. He had been the licence holder since 27/11/15 when the licence was transferred to him from a Mr Naser Alyas of 89 Spring Street, Bury. Following the transfer, Mr Alyas remained at the shop as the Designated Premises Supervisor (DPS) and was the DPS on the date of the incident involving Bury Trading Standards..
- 1.4 On 05/09/16, which was subsequent to the receipt of the review application, an application for the transfer of the current Premises Licence and for it to have immediate effect, was received from Mrs Abru Faisal, Mr Amin’s wife, together with an application to nominate herself as the Designated Premises Supervisor (DPS). As no objection was received from Greater Manchester Police in respect of either application, both have been formally granted.

2.0 PROCEDURE

- 2.1 In relation to the review application, the applicant has complied with all the necessary procedural requirements laid down by the Act.

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- 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 off the premises only:

Monday to Sunday

06.00 to 22.00hrs

4.0 REVIEW APPLICATION

4.1 Bury Trading Standards Weights & Measures Service will shortly give their reasons for the review application in which they request the Panel to revoke the licence.

5.0 OTHER REPRESENTATIONS

5.1 No other representations have been received.

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:-

Review Application form and supporting evidence

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

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3 Knowsley Place
Duke Street
Bury
Telephone No: 0161 253 5209

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