

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:-

Date:	Wednesday, 26 October 2016
Place:	Meeting Rooms A & B - Town Hall
Time:	2.00 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

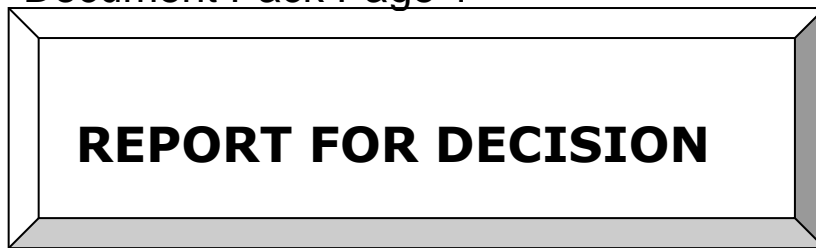
1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing Hearings Panel 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 GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF STUDIO 24, 24 SILVER STREET, BURY *(Pages 1 - 8)*

Report attached



DECISION OF:	LICENSING HEARINGS PANEL
DATE:	26th OCTOBER 2016
SUBJECT:	AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF STUDIO 24, 24 SILVER STREET, 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 Greater Manchester Police pursuant to section 51 of the Licensing Act 2003 for a review of the Premises Licence in respect of Studio 24 at 24 Silver Street, 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 Studio 24, 24 Silver Street, Bury, BL9 0DH, is held by Gillmark Property Management Limited, registered company address, 2nd Floor 1 City Road East, Manchester, M15 4PN. Mr David Joseph Stross is the sole director of the company. Since 24th May 2016, Mr Philip John Marshall of 33 Ludall Place, Leeds, has been the Designated Premises Supervisor (DPS).

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 to Sunday	11.00 to 03.45
British Summertime	11.00 to 04.45
New Years Eve	Noon to Midnight
New Years Day	Midnight to 04.45

- b. The playing of Recorded Music / the Performance of Dance & entertainment of a similar description:

Monday to Saturday	11.00 to 03.50
Sunday	Noon to 03.50
British Summertime	11.00 to 04.50
New Years Eve	Noon to Midnight
New Years Day	Midnight to 04.50

- c. The Premises Opening Times:

Monday to Saturday	11.00 to 04.00	(No admittance after 03.00)*
Sunday	Noon to 04.00	(No admittance after 03.00)*
British Summertime	11.00 to 05.00	(No admittance after 04.00)*
New Years Eve	Noon to Midnight	
New Years Day	Midnight to 05.00	(No admittance after 04.00)*

* In respect to the no admittance condition it does not apply to persons who can produce proof that they are employed in a Bury Town Centre Venue

3.2 The conditions attached to the current Premises Licence are attached at Appendix A. These are in addition to the statutory Mandatory Conditions.

4.0 REVIEW APPLICATION

4.1 Greater Manchester Police will shortly give their reasons for the review application in which they invite the Panel to consider revoking the licence.

5.0 REPRESENTATIONS FROM PUBLIC HEALTH

5.1 Public Health have made a representation in their capacity as a Responsible Authority, they will shortly give their reasons for the representation.

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

Supporting Police evidence

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

Mr M Bridge

Licensing Section

3 Knowsley Place

Duke Street

Bury

Telephone No: 0161 253 5209

Conditions Consistent with the Operating Schedule (These are in addition to the Statutory Mandatory Conditions)**Prevention of Crime and Disorder:**

1. The premise is 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 type of system and the number / positioning of cameras is to be agreed in liaison with the police. The location of cameras will be recorded on the plan attached to the licence. The recording medium (e.g. discs / 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 are 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 12 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 24hrs.

On an annual basis [or at a greater frequency specified] the premises licence holder or the DPS is to notify the licensing office in writing that the CCTV system has been checked, maintained to any recognised specification and is in working order. An action plan to be agreed to rectify any recorded malfunction or planned alterations.

2. A written record shall be kept every time images are recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
3. A Personal Licence holder must be on the premises at all times when open to the public.
4. A daily log must be maintained at the premises showing the full name, date of birth and SIA badge number of the Door Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the Police, to SIA inspectors & to Authorised Officers of the Licensing Authority on request.
5. Staff training in Responsible Alcohol Retailing shall take place every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
6. The premises must be linked to a system of communication with the Police and other licensed premises as agreed with the Police and Licensing Authority. The system shall be kept in good working order at all times. When the premises are open to the public, the communications link to the Police and other licensed

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premises shall be switched on and available to and monitored by the Designated Premises Supervisor or a nominated member of staff. The system to be used to report incidents and warn each other of the presence of potential trouble makers in the area

7. The communication system must be used to report information likely to be of interest to other parties to the network as soon as possible
8. The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and attend at the meetings of the Pub and Club watch scheme (if operative) and should use best endeavors to attend at meetings of the scheme for the area within which the premises is located.

Prevention of Public Nuisance:

9. 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.
10. 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.
11. All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
12. Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.
13. At an appropriate time before closing time, announcements should be made reminding customers to leave quietly.
14. The premises will operate the following customer dispersal policy, the purpose of which is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to the neighbourhood and to ensure that the operation of the premises makes the minimum impact in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening. By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled, safe and gradual dispersal of our patrons during our closing period:
 - a. Music - consideration will be given to the volume levels, type of music played coupled with the usage of lighting levels designed to encourage the gradual dispersal of patrons during the last part of the evening. The gradual dispersal of customers shall commence well before the premises closes with members of staff and door staff instructed to encourage customers to leave in an orderly manner.
 - b. Door personnel and management staff, will be employed outside the premises and will assist with the orderly and gradual dispersal of patrons.

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- c. Staff Members (including door personnel) will advise patrons to leave the premises quickly and quietly.
- d. Notices will be displayed requesting our customers to leave quietly and in an orderly manner and their attention will be drawn to these notices by members of staff (including door personnel).
- e. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises.
- f. We will actively discourage our customers from assembling outside the premises at the end of the evening.
- g. We will come to an arrangement with a private hire taxi firm whose telephone number will be provided to customers to use on the basis that such company will operate a ring back system and not sound horns when collecting their fare. Any patrons awaiting the arrival of a taxi will be encouraged to wait inside the premises.
- h. Consideration will also be given to staff departures. Staff will be instructed to leave the premises quietly and to request that any waiting taxis do not leave their engines running or sound their horns whilst waiting.

Public Safety

- 15. Customers are to be prevented from leaving the premises with glasses or open bottles. Empty bottles must be placed into bins located within the parameter of the premises.

Protection of Children from Harm:

- 16. 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 to be accepted as proof of age.
- 17. The premises will maintain an incident book in which will be kept a record of any incidents. The book will be made available to the police and authorised officers of the Licensing Authority on request.
- 18. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.

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