

Minutes of:	LICENSING HEARING PANEL
Date of Meeting:	31 October 2017
Present:	Councillor D Jones (in the Chair) Councillors P Adams and G Keeley
Also in attendance:	
Public Attendance:	No members of the public were present at the meeting.
Apologies for Absence:	

1 DECLARATION OF INTEREST

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

2 AN APPLICATION FOR A TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF POLKA, 20 PARKHILLS ROAD, BURY, BL9 9AX

Prior to the Hearing the authority received an application submitted for a transfer of Premises Licence under section 42 of the Licensing Act 2003, in respect of Polka, 20 Parkhills Road, Bury.

The application was as detailed in the report which was presented to the Members of the Panel by the Licensing Unit Manager.

Representations in respect of the application were received within the appropriate period from Greater Manchester Police.

All written representations were contained within the written submissions provided in the report to the Panel.

All documentary evidence comprising the application, the report provided with the agenda and representations were served on all parties in advance of the hearing.

The Panel heard oral representations from representatives of Greater Manchester Police and their witness from Trading Standards at Bury Council.

The Panel asked questions of the representatives of Greater Manchester Police and their witness. All parties were offered the opportunity to questions those representatives.

The Panel heard oral representation from Mr Omid, the Applicant/transferee.

The Panel asked questions of the Applicant. All parties were offered the opportunity to question the applicant.

All parties were offered the opportunity to sum up their case.

The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in April 2017

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

FINDINGS

The following facts were found:

- The Applicant is the owner of the business being run at the premises and has been for 4 years.
- The Applicant has a number of previous convictions one of which resulted in the Applicant receiving a custodial sentence.
- The convictions and sentences were of a serious nature.
- The offences were of a similar nature, indicating that the Applicant was a repeat offender.
- The offences demonstrated a lack of regard for the law, court process and court orders.
- A large amount of illicit tobacco products had been discovered in the business premises for which the Applicant has responsibility.
- The Applicant showed no sense of remorse or recognition of the seriousness of the offences.
- The Applicant did not accept any responsibility for the offences committed or the illicit tobacco found in the premises.
- The Applicant knew or should have known about the illicit cigarettes, as they were found in an area of the premises where other activities associated with the business were being undertaken.
- The Applicant had a personal licence which appeared to have been issued by Leeds City Council, for which the Applicant had paid a friend to obtain via

his address in Leeds and which had therefore been obtained contrary to the Licensing Act 2003.

DECISION

Having heard all the oral submissions and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided as follows.

The evidence was considered with care and it was established that following the evidence of all parties, having understood the application and equally understanding the representations made, on balance the Panel found there were causes for concern in relation to the applicant being an appropriate person to promote the Crime and Disorder Objective of the Licensing Act 2003.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **To Refuse the Application for the Transfer of a Premises Licence** as set out in the report.

Please note: the meeting started at 1.00 pm and finished at 2.15 pm

3

APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT, 2003 IN RESPECT OF GRAPE TO GRAIN, 43 BRIDGE STREET, RAMSBOTTOM, BL0 9AD

Public Attendance - Mr Sneesby (Applicant), Mr Van Goethem (Applicant's business partner)

Prior to the Hearing the authority received an application submitted for a Premises Licence under Part 3 of the Licensing Act 2003, for the supply of alcohol to the public in relation to 43 Bridge Street, Ramsbottom, BL0 9AD

The application was as detailed in the report which was presented to the Members of the Panel by the Licensing Unit Manager.

Representations in respect of the application were received within the appropriate period from one Interested Party.

All written representations were contained within the written submissions provided in the report to the Panel.

All documentary evidence comprising the application, the report provided with the agenda and representations were served on all parties in advance of the hearing.

The Panel heard oral representations from the Applicant, Mr Sneesby.

There was no attendance by the Interested Party.

The Panel asked questions of the Applicant. All parties were offered the opportunity to question the Applicant.

The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in April 2017

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

FINDINGS

The following facts were found:

- The Applicant had complied with all necessary procedural requirements laid down by the Licensing Act 2003 including giving public notice within the required timescales
- The conditions from the Applicant at appendix A to the report, had been agreed following dialogue with Greater Manchester Police.
- The Operating Schedule attached to the application provided for further steps that would be taken in order to promote the licensing objectives
- There was no evidence before the Panel to indicate that there is likely to be any anti-social behaviour emanating from the premises.
- There was no evidence before the Panel to indicate that there is likely to be any noise emanating from the premises that may amount to a public nuisance.
- There was no evidence before the Panel that there is likely to be any other crime and disorder, issues of public safety or harm to children in connection with the premises.

DECISION

Having heard all the oral submissions and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided as follows.

The evidence was considered with care and it was established that following the evidence of all parties, having understood the application and equally understanding the representations made, on balance the Panel found there were no causes for concern so far as the promotion of the four Licensing Objectives were concerned.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **To Grant the Application for a Premises Licence** as set out in the report.

COUNCILLOR D JONES
Chair

(Please note: The meeting started at 2.20 pm and finished at 2.50 pm)