

AGENDA FOR

LICENSING HEARING PANEL

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To: All Members of Licensing Hearing Panel

Councillors : D Jones (Chair), G Keeley & P Adams

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, 31 October 2017
Place:	Meeting Rooms A & B - Town Hall
Time:	1.00 pm (Item 3) 2.30 pm (Item 4)
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

2 DECLARATION 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 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 (Pages 1 - 4)

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

4 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 (Pages 5 - 10)

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



DECISION OF:	LICENSING HEARINGS PANEL
DATE:	31st OCTOBER 2017
SUBJECT:	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
REPORT FROM:	ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES)
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 for the transfer of a Premises Licence under section 42 of the Licensing Act 2003 in respect of Polka, 20 Parkhills Road, Bury, BL9 9AX
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> To reject the transfer application if it considers it is necessary for the promotion of the crime prevention objective to do so; or To grant the transfer of the premises 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:	REDVALES
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 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 The premises licence was held by Mr Pishtiwan Jaza Mohammed, 1 Boston Towers, Lindsay Gardens, Leeds, LS9 7PB.
- 2.2 On the 21st September 2017, the Licensing Authority received an email from Mr Mohammed advising them that he is no longer the premises licence holder or the designated premises supervisor and that he wished to cancel/surrender the premises licence. This falls under Section 28 of the Licensing Act 2003.
- 2.3 Section 50(1)(b) permits the reinstatement by transfer where a premises licence lapses by virtue of section 28 (surrender).
- 2.4 Section 50(5) states where an application is made, the premises licence is reinstated from the time the application is received by the relevant Licensing Authority.
- 2.5 Section 50(6) states "But the licence lapses again if, and when-
 - (a) the applicant is notified of the rejection of the application, or
 - (b) the application is withdrawn.

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- 2.6 Section 50(7) states "only one application for transfer of a premises licence may be made in reliance on this section".
- 2.7 On the 26th September 2017, the licensing office received an application to transfer the premises licence with immediate effect into the applicant's name of Mr Hallo Omid, 9 Berkshire Court, Bury, BL9 9HD.
- 2.8 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.9 As part of the statutory process the Chief Officer of Police is entitled to make a representation by way of a notice under section 42(6) of the Licensing Act 2003 in relation to the transfer of a premises licence where he is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.
- 2.10 Where such a representation is made and not withdrawn, members are required to determine whether the transfer application should be granted or not.

3.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 3.1 A notice under section 42(6) of the Licensing Act 2003 was lodged by Greater Manchester Police on 4th October 2017 allowing them to make representations. See attached at Appendix 1.
- 3.2 The Police will shortly expand upon the reason(s) for their representation in relation to this application which they request the Panel to refuse.

4.0 OBSERVATIONS

- 4.1 After hearing the representation made and the evidence presented, members are obliged to determine the application with a view to determining if there are exceptional circumstances that would mean granting the transfer application would undermine the crime prevention objective, having regard to the Authority's Licensing Policy and National Guidance.

5.0 OBSERVATIONS

- 5.1 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 issued by the Secretary of State.

List of Background Papers:-

Application form
Representation received
Plan

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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DECISION OF:	LICENSING HEARINGS PANEL
DATE:	31st October 2017
SUBJECT:	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
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 for a Premises Licence to be granted under the Licensing Act 2003 in respect of Grape to Grain, 43 Bridge Street, Ramsbottom, BL0 9AD in respect of which representations have been received.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To grant the application in the terms requested • To grant the application subject to conditions • To amend or modify existing or proposed conditions • To refuse the application
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:	Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
Wards Affected:	RAMSBOTTOM
Scrutiny Interest:	Internal 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 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 INTRODUCTION

- 2.1 The applicant for the licence in respect of the above premises is Thomas Sneesby of 22 Kingswood Road, Prestwich, M25 3AB. Thomas Sneesby is also the proposed Designated Premises Supervisor (DPS).
- 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 grant of a 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:-

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

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
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Email: m.bridge@bury.gov.uk

- 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 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 [delete as necessary] 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 24hrs.
- Staff training shall take place on the Licensing Act and Licensing objectives at the commencement of employment and every six months thereafter. 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.
- No drink shall be removed from the premises in an unsealed container.
- Customers are to be prevented from leaving the premises with glasses or open bottles. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
- 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.
- 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.
- 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.
- 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.
- The premises is to maintain a refusals 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. The book must be made available to the police / authorised officers of the Licensing Authority on request.

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