

**Minutes of:** **LICENSING HEARING PANEL**

**Date of Meeting:** 19 December 2017

**Present:** Councillor D Jones (in the Chair)  
Councillors P Adams and G Keeley

**Also in attendance:**

**Public Attendance:** Mr D Barnes (Licence Holder)  
Mr B Barnes (Licence Holder's and Business Partner)  
Mr Butterworth (Licence Holder's Representative)  
Sergeant Foxcroft (Greater Manchester Police)  
PC Watson (Greater Manchester Police)  
PC Caulfield (Greater Manchester Police)

Two additional members of the public.

**Apologies for Absence:**

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**1 DECLARATIONS OF INTEREST**

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

**2 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE WHITE ROOM, 254-258 BURY NEW ROAD, WHITEFIELD, M45 8QN**

Prior to the Hearing the authority received an application pursuant to section 51 of the Licensing Act 2003 from Greater Manchester Police in their capacity as "Responsible Authority for a review of the premises licence in respect of the White Room, 254-258 Bury New Road Whitefield, M45 8QN.

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 review were received within the appropriate period from the police and two other interested parties.

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

All documentary evidence comprising the review, 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 for the review, Greater Manchester Police.

The Panel heard oral representations from the Licence Holder's Representative.

The Panel asked questions of the Applicant. All parties were offered the opportunity to question the Applicant and the current licence holder and his representative.

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 Panel found that the evidence contained within the bundle submitted by Greater Manchester Police was accepted. Note was also taken of the representations of Mrs Hurst and Ms Rudd.

## **DECISION**

The Panel having read the bundle of evidence in its entirety, having heard all the oral submissions and having considered all of the documentation before it considered the merits of the case.

The Panel took note of the agreement between Greater Manchester Police and Mr. Barnes and his representative. Their discussions had concluded with an agreement that:

1. The current Premises Licence holders, Barnsyard Limited will not re-open at this location, 254-258 Bury New Road, Whitefield.

2. Jamie-Leigh Morrison will no longer be the Designated Premises Supervisor
3. Licensable Activities will stop at 11.30pm and the premises should close 30 minutes after licensable activity has ceased.
4. Mr. Desmond Barnes, Mr Bradley Barnes and his representative accept the concerns of Greater Manchester Police and that incidents have occurred.
5. The evidence of Greater Manchester Police is accepted by Mr, Desmond Barnes, Mr Bradley Barnes and Barnsyard Limited.

The Reason for the variation of conditions was in keeping with the licensing objectives; to prevent crime and disorder, to prevent public nuisance and ensure public safety.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, to vary the conditions as detailed at 1-5 above, and **Not revoke the Premises Licence.**

The Chair informed those present of their right of appeal within 21 days of receipt of the written decision to the Magistrates' Court.

**COUNCILLOR**  
**Chair**

**(Note: The meeting started at 1.30 pm and ended at 2.20 pm)**