

## 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:-

<b>Date:</b>	Tuesday, 19 December 2017
<b>Place:</b>	Meeting Rooms A & B - Town Hall
<b>Time:</b>	1.30 pm
<b>Briefing Facilities:</b>	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.
<b>Notes:</b>	

## **AGENDA**

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTEREST**
- 3 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**



<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>19<sup>th</sup> DECEMBER 2017</b>
<b>SUBJECT:</b>	<b>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</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This report relates to an application pursuant to section 51 of the Licensing Act 2003 from Greater Manchester Police in their capacity as a "Responsible Authority" for a review of the premises licence in respect of The White Room, 254-258 Bury New Road, Whitefield, M45 8QN.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>• To revoke the licence</li> <li>• To suspend the licence for a period not exceeding three months</li> <li>• To remove the Designated Premises Supervisor</li> <li>• To exclude a licensable activity from the scope of the licence</li> <li>• To modify the conditions of the licence</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
<b>Statement by Executive Director of Resources:</b>	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.
<b>Equality/Diversity implications:</b>	Yes <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
<b>Wards Affected:</b>	Pilkington Park
<b>Scrutiny Interest:</b>	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 The White Room is held by Barnyard Limited of 7 The Mews, Ringley Drive, Whitefield, M45 7HT. Jamie Leigh Morrison of 235 Sunnybank Road, Bury, BL9 8JU is the Designated Premises Supervisor (DPS).

**2.0 PROCEDURE**

- 2.1 Greater Manchester Police have 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.

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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 – Wednesday	11.00 – 23.00
Thursday	11.00 - 00.30
Friday – Saturday	11.00 - 01.30
Sunday	11.00 - 00.30
New Years Eve	11.00 - 00.00
New Years Day	from 00.01 to end of permitted hours

b. The Provision of Live Music

Monday – Wednesday	11.00 – 23.00
Thursday	11.00 - 00.30
Friday – Saturday	11.00 - 01.30
Sunday	11.00 - 00.30
New Years Eve	11.00 - 00.00
New Years Day	from 00.01 to end of permitted hours

c. The Provision of Recorded Music

Monday – Wednesday	11.00 – 23.00
Thursday	11.00 - 00.30
Friday – Saturday	11.00 - 01.45
Sunday	11.00 - 00.30
New Years Eve	11.00 - 00.00
New Years Day	from 00.01 to end of permitted hours

d. Late Night Refreshment

Monday – Wednesday	11.00 – 23.00
Thursday	11.00 - 00.30
Friday – Saturday	11.00 - 01.30
Sunday	11.00 - 00.30
New Years Eve	11.00 - 00.00
New Years Day	from 00.01 to end of permitted hours

e. The opening hours of the premises:

Monday – Wednesday	23.00 – 23.30
Thursday	23.00 - 01.00
Friday – Saturday	23.00 - 01.45
Sunday	23.00 - 01.00
New Years Eve	23.00 - 00.00
New Years Day	from 00.01 to end of permitted hours

### 4.0 CURRENT CONDITIONS ATTACHED TO THE PREMISES LICENCE:

4.1 The conditions, consistent with the premises operating schedule are attached to the current premises licence are attached at appendix 1:

## **5.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

**5.1** Greater Manchester Police will shortly give their reason(s) for their application for a review of this premises licence in which they have requested that the licence be revoked. Greater Manchester Police request that if the panel are not minded to revoke the licence that consideration is given to amending the terminal hour to 23.00 hours and a change of security company with Approved Contractor Scheme Door Staff (ACS) to be employed together with consideration for the removal of the current DPS. The representation is attached at appendix 2

## **6.0 OTHER REPRESENTATIONS**

6.1 Two interested parties have made representations to this application are detailed below:-

- Has experienced anti-social behaviour from a drunk patron of the premises who was blocking the footpath and becoming loud and aggressive.
- After 23.00 on Fridays, Saturdays and Sundays have proved to be a regular nuisance. Very often these customers will park on Hamilton Road and behave in loud and unacceptable manner, shouting and playing music between the hours of 01.00 and 03.00 in the morning.

6.2 The representations are attached at appendix 3 and 4 respectively.

## **7.0 ADDITIONAL INFORMATION**

7.1 Information has been received from the premises licence holders representative which is attached at Appendix 5.

## **8.0 OBSERVATIONS**

8.1 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.

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### **List of Background Papers:-**

Review Application form

Representation received from Greater Manchester Police

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

Mr M Bridge  
Licensing Office  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Telephone No: 0161 253 5209

**Prevention of Public Nuisance**

1. 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.
2. 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. The management and staff shall regularly check noise levels to prevent any nuisance to residents in the vicinity of the premises.
3. So as to prevent unnecessary public nuisance, All external doors and windows are to be kept closed when live regulated entertainment or recorded music is in progress and will be kept closed for the duration of the entertainment.
4. The outside area is not to be used for licensable activities or for the consumption of alcohol after 01.00 hours daily. The outside seating area shall be monitored by the management and staff members.
5. Management, staff and security 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
6. No refuse shall be disposed of or collected from the premises between the hours of 8pm - 8am where such disposal or collection is likely to cause disturbance to local residents.
7. The premises shall be closed to customers 15 minutes after licensable activity has ceased.
8. 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 patrons during the 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.
  - 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).

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- e. The staff shall ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises and ensure that all bottles and drinking receptacles are removed from external areas.
  - f. The staff will actively discourage our customers from assembling outside the premises at the end of the evening.
  - g. The premises management 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 away from 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.
9. The management shall ensure that on a Friday and Saturday no further customers are permitted to enter the premise, including the external seating area after 00:30hrs.

### **Prevention of Crime and Disorder:**

10. 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 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 is to provide the police with the contact details of at least one member 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 the premises licence holder or the DPS is to notify the licensing office 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.

11. 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.

12. 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.

13. Staff training shall take place on the Licensing Act and Licensing objectives when employment commences and every six months and a written record of this training to



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be maintained and made available to the police and any authorised officer of the Council for inspection on request.

14. A CCTV camera and TV monitor will be placed at the entrance to the premises where so that individuals are aware that their image and actions are being recorded. Any individual attempting to obscure or disguise their identity shall be refused entry.

15. When employed door staff shall use a cordon on the external seating area to prevent loitering and to ensure that the entry/exit point remains clear during busy periods. Only customers are able to access the external seating area.

### **Public Safety**

16. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

17. Only toughened glass to be used in the outside areas. The management and staff to monitor the outside area and be pro-active in ensuring that bottles and glasses are removed from tables.

18. Clientele must not be admitted to the premises within 30 mins of the end of licensable activity.

19. When employed, door staff will monitor customers as they queue and enter the premises and keep count of customers entering/exiting the premises. This will ensure that the premises are not exceeding capacity and allow for the safe and controlled ejection of any individual requested to leave.

### **Protection of Children from Harm:**

20. 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.

21. 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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