

AGENDA FOR

LICENSING HEARING PANEL

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To: All Members of Licensing Hearing Panel

Councillors : N Bayley, D Jones (Chair) and G Keeley

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, 20 December 2017
Place:	Meeting Room A - Town Hall
Time:	1.30 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**
- 3 APPLICATION FOR A TRANSFER OF PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF JASON'S MINI MARKET, 36 ALBION STREET, RADCLIFFE, M26 1BH**
(Pages 1 - 4)
- 4 APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF JASON'S MINI MARKET, 36 ALBION STREET, RADCLIFFE, M26 1BH**
(Pages 5 - 8)



DECISION OF:	LICENSING HEARINGS PANEL
DATE:	20th DECEMBER 2017
SUBJECT:	APPLICATION FOR A TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF JASON'S MINI MARKET, 36 ALBION STREET, RADCLIFFE, M26 1BH
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 the transfer of a Premises Licence under section 42 of the Licensing Act 2003 in respect of Jason's Mini Market, 36 Albion Street, Radcliffe, M26 1BH
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> To reject the application if it considers it is necessary for the promotion of the crime prevention objective to do so; or To grant 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:	Radcliffe West
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 is currently held by Mrs Taslim Saleem.
- 2.2 On the 17th November 2017, the licensing office received an application to transfer the premises licence with immediate effect into the applicant's name of Gone Local Limited, 36 Albion Street, Radcliffe.
- 2.3 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.4 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.
- 2.5 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 December 2017 allowing them to make representations.
- 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:	20th DECEMBER 2017
SUBJECT:	APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF JASON'S MINI MART, 36 ALBION STREET, RADCLIFFE, M26 1BH
REPORT FROM:	ASSISTANT DIRECTOR DESIGNATE (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 under section 37 of the Licensing Act 2003, from Gone Local Limited, to vary the Premises Licence held by him, in respect of Jason's Mini Mart, 36 Albion Street, Radcliffe, to specify a change of Designated Premises Supervisor (DPS). The Greater Manchester Police in their capacity as 'A Responsible Authority' have made a representation in respect of the application.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To grant the application • 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:	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:	Radcliffe West
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 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.
- 1.3 Under the provisions of section 37(5) of the Act, where the chief officer of police notified of an application to specify an individual as a DPS, is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant Licensing Authority a notice stating the reasons he is so satisfied.

2.0 BACKGROUND

- 2.1 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 On the application form it has been requested that the application have immediate effect under section 38 of the Act which allows the premises to continue to sell alcohol until such time that this application is determined or withdrawn.

3.0 THE APPLICATION

- 3.1 Paragraph 4.31 of the guidance issued under Section 182 of the Licensing Act 2003, points out the requirement under the Act for every premises licensed for

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the supply of alcohol to have a Personal Licence holder specified as the Designated Premises Supervisor. The Guidance goes on to state that the DPS will normally be the person who has been given the day to day responsibility for running the premises by the premises licence holder.

- 3.2 The application from Gone Local Limited, of 36 Albion Street, Radcliffe, M26 1BH, names Mr Rizvan Arshad, of 36 Albion Street, Radcliffe as the new DPS. It is confirmed that he is the holder of a Personal Licence granted by Middlesborough Council.

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 4.1 Greater Manchester Police will shortly give their reason(s) for their representations in relation to this application which they request the Panel to refuse the application.

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.

List of Background Papers:-

Application form
Police Representation

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

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3 Knowsley Place
Bury
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Email: m.bridge@bury.gov.uk

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