

AGENDA FOR

LICENSING HEARING PANEL

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To: All Members of Licensing Hearing Panel

Councillors: T Holt, G Keeley and A McKay

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, 5 September 2018
Place:	Lancaster Room, Elizabethan Suite entrance, Town Hall, Bury
Time:	1.00 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 DECLARATIONS 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.

2 AN APPLICATION FROM AN INTERESTED PARTY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE SIR ROBERT PEEL, 97 SUNNY BANK RD, BURY, BL9 8ES *(Pages 1 - 22)*

A report by the Assistant Director (Legal and Democratic Services) is attached.

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	LICENSING HEARINGS PANEL
DATE:	5th SEPTEMBER 2018
SUBJECT:	AN APPLICATION FROM AN INTERESTED PARTY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE SIR ROBERT PEEL, 97 SUNNYBANK ROAD, BURY BL9 8ES
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC 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 pursuant to section 51 of the Licensing Act 2003 from an Interested Party for a review of the premises licence in respect of Sir Robert Peel, 97 Sunnybank Road, Bury BL9 8ES.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To revoke the licence • To suspend the licence for a period not exceeding three months • To remove the Designated Premises Supervisor • To exclude a licensable activity from the scope of the licence • To modify the conditions of 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:	Pilkington Park
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 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 Sir Robert Peel is held by Mr Steven Elliott, 91 Sunnybank Road, Bury, BL9 8EB and Ms Kirsty Maher, 97 Sunnybank Road, Bury, BL9 8EB. Ms Kirsty Maher is the Designated Premises Supervisor (DPS).

2.0 PROCEDURE

- 2.1 The Interested Party has 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.

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 to Thursday	08.00 to 00.00
Friday and Saturday	08.00 to 01.00
Sunday	08.00 to 00.00
Christmas Eve	08.00 to 01.00
Boxing Day	08.00 to 01.00
New Year's Eve	08.00 to 00.00
New Year's Day	00.01 to 08.00
Bank Holiday Monday	See embedded conditions

b. The Provision of Live Music (Indoors)

Monday to Thursday	08.00 to 23.30
Friday and Saturday	08.00 to 00.30
Sunday	08.00 to 23.30
Christmas Eve	08.00 to 01.00
Boxing Day	08.00 to 00.30
New Year's Eve	08.00 to 00.00
New Year's Day	00.01 to 08.00
Bank Holiday Monday	See embedded conditions

c. The Provision of Recorded Music (Indoors)

Monday to Thursday	08.00 to 00.30
Friday and Saturday	08.00 to 01.30
Sunday	08.00 to 00.30
Christmas Eve	08.00 to 00.30
Boxing Day	08.00 to 00.30
New Year's Eve	08.00 to 00.00
New Year's Day	00.01 to 07.30
Bank Holiday Monday	See embedded conditions

d. Late Night Refreshment

Monday to Thursday	08.00 to 01.00
Friday and Saturday	08.00 to 02.00
Sunday	08.00 to 01.00
New Year's Eve	08.00 to 00.00
New Year's Day	00.01 to 05.00

e. Exhibition of films (Indoors)

Monday to Thursday	08.00 to 00.30
Friday and Saturday	08.00 to 01.30
Sunday	08.00 to 01.00
Christmas Eve	08.00 to 00.30
Boxing Day	08.00 to 00.30
New Year's Eve	08.00 to 00.00

Document Pack Page 4

New Year's Day	00.01 to 07.30
Bank Holiday Monday	See embedded conditions

f. Exhibition of a Play (Indoors)

Monday to Thursday	10.00 to 00.30
Friday and Saturday	10.00 to 01.30
Sunday	10.00 to 00.30
Christmas Eve	10.00 to 00.00
Boxing Day	10.00 to 00.30
New Year's Eve	10.00 to 00.00
New Year's Day	00.00 to 07.30
Bank Holiday Monday	See embedded conditions

g. Indoor sporting event

Monday to Thursday	08.00 to 00.30
Friday and Saturday	08.00 to 01.30
Sunday	08.00 to 00.30
Christmas Eve	08.00 to 00.30
Boxing Day	08.00 to 00.30
New Year's Eve	08.00 to 00.00
New Year's Day	00.01 to 07.30
Bank Holiday Monday	See embedded conditions

h. Performance of Dance (Indoors)

Monday to Thursday	08.00 to 00.30
Friday and Saturday	08.00 to 01.30
Sunday	08.00 to 00.30
Christmas Eve	08.00 to 00.30
Boxing Day	08.00 to 00.30
New Year's Eve	08.00 to 00.00
New Year's Day	00.01 to 07.30
Bank Holiday Monday	See embedded conditions

i. Entertainment of a similar description to that falling within E,F and G (indoors)

Monday to Thursday	10.00 to 00.30
Friday and Saturday	10.00 to 01.30
Sunday	10.00 to 00.30
Christmas Eve	10.00 to 00.30
Boxing Day	08.00 to 00.30
New Year's Eve	08.00 to 00.00
New Year's Day	00.01 to 07.30
Bank Holiday Monday	See embedded conditions

j. The opening hours of the premises:

Monday to Thursday	08.00 to 01.00
Friday and Saturday	08.00 to 02.00
Sunday	08.00 to 01.00
Christmas Eve	08.00 to 02.00
Boxing Day	08.00 to 02.00
New Year's Eve	08.00 to 00.00
New Years Day	00.01 to 09.00

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 THE LEASEHOLDER

- 5.1 The Leaseholder for the Sir Robert Peel (EI Group PLC) who has registered an interest in the premises will shortly give his reason(s) for their application for a review of this premises licence in which they have requested that the conditions on the licence be modified to address the concerns raised by the applicant for review provided that there is evidence to support those concerns.

The representation is attached at appendix 2

6.0 OTHER REPRESENTATIONS

- 6.1 2 interested parties have made representations to this application are detailed below:-

- Noise
- Patrons sitting outside the premises on the tables until all hours
- Taxis revving engines and beeping their horns
- Anti-social behaviour with police involvement.
- Emptying of bottles into the bins after midnight
- Patron urinating outside the premises

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

7.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 7.1 The Police will shortly expand upon the reason(s) for their representation in relation to this application which they request the Panel to modify the conditions on the licence.

The representation 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.

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

LICENSING ACT 2003**CONDITIONS ATTACHED TO THE GRANT OF THIS LICENCE**

This licence is granted subject to any **Mandatory Conditions** imposed by the Licensing Act 2003, **Embedded Conditions** carried across on conversion of your previously held Justices Licence, **Conditions Converted** from any previously held Public Entertainments Licence, **Conditions volunteered** on the application form to be undertaken by the applicant and where necessary, **Conditions imposed by the Licensing Authority** in order to promote the Licensing Objectives.

1. **Mandatory Conditions:**

- a No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor (DPS) in respect of the Premises Licence OR at a time when the Designated Premises Supervisor does not hold a Personal Licence or his/her Personal Licence has been suspended.
- b Every supply of alcohol under the Premises Licence must be made or authorized by a person who holds a Personal Licence.
- c Any Door Security staff employed to carry out a security activity at the premises must be licensed with the Security Industry Authority (SIA).
- d In respect of the exhibition of films as mentioned below:
 - 1 The admission of children to the exhibitions of any film is restricted as follows:
 - 2 Where the film classification body is specified in the licence, unless 3(b) below applies, the admission of children is restricted in accordance with any recommendation of that body.
 - 3 Where:-
 - (a) the film classification body is not specified in this licence, or
 - (b) the licensing authority has notified the holder of the licence that this subsection applies to the film in question, the admission of children is restricted in accordance with any recommendation made by the licensing authority.
 - 4 In relation to the above:
 - "children" means persons under the age of 18 years; and
 - "film classification body" means the persons or person designated as the authority under section 4 of the Video Recordings Act 1984.

Appendix A**Embedded Conditions****Justices' On and Off Licence (not having a Children's Certificate)**

- 1 Permitted hours. Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
 - (1). On weekdays other than Christmas Day Good Friday or New Years Eve from 11am to 11pm

Document Pack Page 7

- (2) On Sundays, other than Christmas Day or New Years Eve and on Good Friday 12noon to 10.30pm
- (3) On Good Friday: 12noon to 10.30pm
- (4) On Christmas Day: 12noon to 3pm and 7pm to 10.30pm
- (5) On New Years Eve except on a Sunday, 11am to 11pm
- (6) On New Years Eve on a Sunday: 12noon to 10.30pm.
- (7) On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on the 31st December)

The above restrictions do not prohibit

- (a) the consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - (e) the taking of alcohol from the premises by a person residing there; or
 - (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
 - (h) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel.
2. No person under fourteen years of age shall be in the bar of licensed premises during permitted hours unless one of the following applies;
- a. He is the child of the holder of the premises licence.
 - b. He resides in the premises, but is not employed there.
 - c. He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
 - d. The bar is in a railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor.

An area is not a "bar" when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

4. The relaxation provisions in section 182 Licensing Act 1964 shall apply in relation to the provision of public entertainment in the premises by the reproduction of wireless (including television) broadcasts or music and singing solely provided by the reproduction of recorded sound.

Appendix B

Conditions relating to any previous Public Entertainment Licence that applies to this licence

**METROPOLITAN BOROUGH OF BURY
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART 1 AND SCHEDULE 1**

**REGULATIONS APPLYING TO ENTERTAINMENT LICENCES FOR PUBLIC
MUSIC, MUSIC AND DANCING OF A LIKE KIND**

1. This Licence applies only to those entertainment listed on the Licence and does not apply to those entertainment which fall within Section 182 of the Licensing Act 1964.
2. In the event of the revocation of this Licence by the Council, the Licence shall be returned immediately to the Council's Licensing Officer.
3. The current Licence must be retained intact and be permanently displayed throughout its currency in a prominent position on the licensed premises.
4. The fee for the First Grant, Renewal or Transfer as appropriate must be paid when submitting the application.
5. There shall be affixed and kept in some conspicuous place on the door or entrance of the licensed premises the following inscription in capital letters: **"LICENSED IN PURSUANCE OF THE ACTS OF PARLIAMENT FOR MUSIC AND DANCING AND ENTERTAINMENT OF A LIKE KIND"**.
6. The Licensed premises shall not be kept or used for Public Entertainment herein permitted on Sundays and Christmas Day unless the Council issues written consent to vary this Condition.
7. The licensed premises shall not be kept or used for Public Entertainment except between the hours of 11.00am and 11.00pm Mondays to Saturdays inclusive, without the written consent of the Council.
8. The licensee, or some other responsible person nominated by the licensee in writing, shall be in charge of and upon the licensed premises during the whole of the time they are being used for the purposes aforesaid. There shall also be during that time, sufficient staff of competent attendants on duty on the premises. The person in charge shall not be engaged in any duties which prevents him from exercising general supervision.
9. Whilst the licensed premises are being used for Public Entertainment there shall be installed a telephone and a notice which must be prominently displayed above each telephone stating **"FIRE - DIAL 999"**. Information of any outbreak of fire, however slight, shall be at once communicated to the Fire Service by using the emergency number.
10. The Licensee shall keep and maintain on the Licensed premises a Fire Precaution Register, supplied by the Fire Authority and shall record therein details of all safety tests carried out as outlined in the Register and shall record therein the training staff or responsible persons of fire precaution routines.
11. Applicants for a licence for premises, which are not currently the subject of a licence, shall submit four sets of plans of the premises for which the license is sought, such plans to accompany the application form.

12. Whilst the licensed premises are being used for public entertainment, electrical installations must comply with any applicable rules and regulations affecting the use of electricity for the time being in force and every four years, the licensee must obtain a certificate of safety provided by a registered electrical contractor or competent electrical engineers behalf of the licensee indicating that the installation is maintained in a safe and satisfactory condition. This certificate shall be submitted to the Council on initial application and every FOUR years thereafter.
13. All parts of the licensed premises whilst being used for public entertainment shall be properly and sufficiently ventilated.
14. The ceiling of the licensed premises must be inspected at the time of initial application and examined at least every five years by a competent architect or surveyor on behalf of the licensee and his report shall be submitted to the Councils Licensing Officer within seven days of such examination.
15. No person shall give at the licensed premises (otherwise than as provided by Section 5 of the Hypnotism Act 1952) an exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
16. The maximum number of persons to be accommodated in the licensed premises which the premises are used for the public entertainment shall be shown on the Licence.
17. The Licensee shall ensure that the noise from the Licensed premises whilst being used for Public Entertainment shall not be audible within noise sensitive premises (for example houses, hospitals) with windows open in a typical manner for ventilation.
18. All windows and doors to the room or area in which the function/entertainment is being held/performed shall be kept closed for the duration of the entertainment.
19. The licensed premises shall be provided with such means of escape in case of fire for all persons resorting thereto as may be reasonably required by the Council. Such means of escape shall be maintained in an efficient manner at all times. The means of ingress and egress and the passages and gangways shall during the whole time that the licensed premises are used for public entertainment be kept free and unobstructed.
20. The general fire precaution arrangements shall be approved by the Council and maintained at all times and all persons employed in the licensed premises shall be given instructions and training in the procedure to adopt in case of fire.
21. Such portable fire extinguishers as may be considered by the Council to be required shall be provided at approved positions in the licensed premises and shall be maintained in an efficient state and in good working order and repair.
22. The whole of the licensed premises to which the public have access (including toilet areas) shall be provided with a maintained (i.e. illuminated at all material times) emergency lighting system complying with the code of practice for emergency lighting of premises (B.S. 5266: Part 1: 1975). The system shall be capable of maintaining the necessary level of illumination for a period of one hour

from the time of failure or disconnection of the normal lighting. Where the premises are licensed for 250 persons or more, the system must be capable of maintaining the necessary level of illumination for a period of two hours.

23. The emergency lighting system may consist of a central battery unit with slave luminaries, or alternatively self-contained luminaries complying with I.C.E.L. standards. The wiring system from the central battery unit to the slave luminaries shall be in M.I.C.C. cable or other approved heatproof cable. Wiring to self-contained luminaries may be in M.I.C.C. or mechanically protected P.V.C. cable. All internal illuminated **"EXIT"** signs shall comply with B.S. 2560 1978. The installation of the emergency lighting system shall be to the satisfaction of the licensing authority.
24. Residual current devices shall be installed to protect socket outlets likely to be used for operating electrical musical equipment.
25. If, after the issue of a Licence it is proposed that alterations will take place within the areas which are licensed for Public Entertainments the Licensee shall inform the Council prior to such alterations taking place and submit plans for consultation.
26. Nothing shall be done, recited, sung, exhibited or performed, and no dancing shall be permitted which is licentious, indecent, profane, improper or of a suggestive nature, or is likely to cause a breach of the peace (for the avoidance of doubt this condition prohibits the performance of striptease or similar dancing).
27. Whilst the licensed premises are being used for public entertainment drunkenness or other disorderly conduct shall not be permitted. In case any disorderly conduct should occur the licensee shall assist the capture, expulsion and conviction of the offenders.
28. The premises shall be provided with adequate lavatory accommodation, which shall be effectively maintained, cleansed, ventilated, disinfected and supplied with all proper requisites.
29. Any Authorised Officer of the Council, the Fire Authority or any Police Constable may, on production if so required of his/her authority, at all reasonable times, enter the licensed premises and inspect them with a view to seeing whether the terms, conditions or restrictions of this licence are complied with.
30. The licensee shall ensure the persons entering and leaving the licensed premises are counted by his employees or agents using counting machines approved by the Council, and that the total recorded on each counting machine shall at all times, be available for inspection by Officers of the Council, the Fire Authority and Greater Manchester Police.
31. No person engaged in vetting customers and maintaining public order (thereinafter referred to as security staff) whether it be permanently or occasionally, can be employed as security staff unless they have been registered or provisionally registered by the Council.
32. The Licensee must ensure that all security staff shall, whilst employed, carry on their person the ID Registration Card issued in relation to the Doorsafe Scheme and allow it to be inspected on demand by any authorised officer.
33. Whilst the Licensee or his employer engages any person at or about the entertainment premises in the capacity of security staff, the Licensee shall maintain

Document Pack Page 11

a log in a form approved by the Council, showing in respect of each period of duty of that person:

- (a) The name, date of birth and residential address of that person
- (b) The time at which he/she commenced that period of duty with a signed acknowledgement by that person.
- (c) The time at which he/she finished the period of duty with a signed acknowledgement by that person
- (d) Any times during the period of duty when he/she was not on duty
- (e) If that person is not an employee of the Licensee or his/her employer, the name of the person by whom the security person is employed or through the services of that person were engaged.

34. The log shall be kept so that it can be readily inspected at any reasonable time by an authorised Officer of the Council or a Police Officer and, once a log has been completed, it must be retained on the premises for at least twelve months.

35. The Licensee, shall as soon as is reasonably practicable, notify the Council of any security staff dismissed by the Licensee for serious misconduct which might reasonably affect the continuation of, or renewal of, such security staff's registration.

36. A Licensee, when requested, shall identify by name those persons employed by him, to a Police Officer, or other authorised Officer.

37. The Licensee shall ensure that all security staff are given adequate oral and written instructions.

38. A notice shall be conspicuously displayed in the entrance to the licensed premises indicating the maximum number of persons allowed entry under the conditions of this licence.

39. Doors not in normal use, which are regarded as emergency exits, shall be fitted with an alarm, which is activated whenever they are opened. The alarm shall be inaudible in public areas, and shall sound in an area permanently manned by the licensee or his employees whilst the licensed premises are being used for public entertainment. The alarm shall be distinguished from any fire alarm within the building.

40. The licensee shall at all times ensure that persons on or leaving the licensed premises, conduct themselves in an orderly manner and do not in any way cause annoyance to residents or to persons passing by.

41. The licence holder shall take all reasonable steps to ensure that persons leaving the licensed premises and using adjacent car parks and highways, do not conduct themselves in a manner so as to cause annoyance to residents or to persons passing by.

42. In circumstances deemed appropriate, the Council may direct that the licensee shall not permit any person to be admitted to the licensed premises after a specified hour on specified days.

43. In circumstances deemed appropriate, the Council may direct that the licensee shall not employ any person or persons on door control at the licensed premises.
44. The licensee shall be fully responsible for the carrying out of each and every one of these terms and conditions and for the safety of the public and employees in the event of a fire or panic, and shall ensure that he complies with all relevant legislation relating to the use of the licensed premises.
45. For every breach of the terms of the licence or those Regulations, the licensee is liable on summary conviction to a fine not exceeding £2000, and the licence may be revoked.
46. The Council reserves to itself the power from time to time in any special case to modify or dispense with any of these terms and conditions.

Appendix C

Conditions arising from your Operating Schedule

1. CCTV to continue to be installed on the premises and tapes to be retained for a period of 28 days for viewing purposes by the authorities and the police.
2. All emergency lighting, fire exits, fire extinguishers, escape routes, fire safety equipment including fire alarms, gas and electrical equipment and installations should be regularly checked to ensure that they are properly maintained and in good working order.
2. Prominent, clear and legible notices should be displayed at all exits requesting that customers respect the need of local residents and to leave the premises and area quietly. At an appropriate time before closing time, announcements should be made reminding customers of the above.
5. Proof of identity/age should be required and satisfied before allowing entry of person(s) who appear may be under 18 years of age and who wish to purchase/consume alcohol.
4. Music and noise should not be audible inside noise sensitive property at any time and noise levels should be regularly checked to prevent any nuisance to residents in the vicinity. Any complaint should be monitored and investigated and action taken where necessary.
6. All external windows and doors should be kept closed except for access when live/amplified music and entertainment is taking place so as to prevent any nuisance.
7. No external doors to be kept open after 2300 hours.

Appendix D

Non Standard Timings

Plays

Film

Indoor Sporting Events

Live Music

Recorded Music

Performance of Dance

Anything of similar description to Live music, Recorded music and Dance

Provision of Facilities for making Music

Provision of Facilities for Dancing

Timings for the above:

When opening hours are extended on Bank Holiday Weekends, Christmas Eve, Boxing Day and New Years Eve, timings to be extended to 30 mins before close.

Late Night Refreshment

When opening hours are extended on New Years Eve, timings to be extended accordingly.

Supply of Alcohol

New Years Eve 08.00 hrs 31st December until 08.00 hrs the following day 1st January.

Christmas Eve & Boxing Day until 01.00 hrs.

Hours Premises are Open to the Public

As Supply of Alcohol with a 60 minute wind down period.

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GOSSCHALKS
SOLICITORS

Licensing Unit
Bury Council
3 Knowsley Place
Duke Street
BURY BL9 0EJ

Please ask for: Clare Johnson
Direct Tel: 01482 590243
Email: mcj@gosschalks.co.uk
Our ref: MCJ / JB / 098454.24941
#GS2089748
Your ref:
Date: 26 July 2018

By email and post

Dear Sirs

Re: Sir Robert Peel Bury - review

We act on behalf of Ei Group PLC. Our client is the leaseholder of the Sir Robert Peel, 97 Sunnybank Road Bury and we have seen a copy of the application for review of the premises licence issued by Mr Matthew McClean.

We would be grateful if you would accept this letter as a formal representation on behalf of our client. Ei Group PLC owns around 4500 public houses in England and Wales. Over 95% of those premises are the subject of lease/tenancy agreements. The tenant operates his/her/its own business out of our client's premises. The lease makes it clear that all operational responsibility for the premises lies with the tenant. The Sir Robert Peel is the subject of a 10 year lease in favour of the current premises licence holders Mr Steven Elliot and Miss Kirsty May Maher.

Please note that our clients take a wholly neutral stance with regard to the incidents referred to in the review. As our client has no operational responsibility for the premises it cannot comment upon those matters. However, as a company concerned in a business in the locality Ei Group PLC is obviously anxious to ensure that the licensing objectives are promoted and that the premises operate in a responsible fashion both for the company's benefit and for the benefit of those persons who work and live in the vicinity. It is obviously important to Ei Group PLC that the operation of these premises enhances the community which the premises serve and that its operation does not cause problems with regard to crime and disorder, public safety or nuisance.

The review is, of course, designed to establish what measures to promote the licensing objectives need to be implemented as a result of the incidents which are alleged to have occurred. The allegations referred to in the review relate to the prevention of crime and disorder, public safety and the prevention of public nuisance. The Guidance issued by the Home Office is clear.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984
E info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 - Hull

A list of premises is available by inspection of the above address.
This firm is authorised and regulated by the Solicitors Regulation Authority and is numbered 61213

Lexcel
Legal Practice Quality Mark
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Paragraph 11.20 indicates that *"In deciding which of these powers (on determining the review) to invoke it is expected that the Licensing authority should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concerns that instigated the review"*.

We would respectfully submit that consideration should be given to modifying the conditions on the licence to address the concerns raised by the applicant for review provided, of course, that there is evidence to support those concerns.

At this stage we would be grateful if you would confirm that the representation has been accepted and also advise as to the date of the hearing.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

Section 1 - Application Details	
Application for a premises licence review of the following premises by Mr Matthew McClean:	
Sir Robert Peel, Sunnybank Road, Bury BL9 8EB	
Type of application. Application for a premises licence review	
Application Number (if known):	

Section 2 - Responsible Authority's Details	
Responsible Authority's Details:	
Please tick appropriate box:	
<input checked="" type="checkbox"/>	Police
<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection
<input type="checkbox"/>	Weights and Measures
Full name:	PC 14501 John Caulfield
Job Title:	Licensing Officer.
Tele number:	0161-856-8111
Email:	14501@gmp.police.uk

Address:

Licensing and Partnership Team
Bury Police Division Headquarters.
Dunster Road,
Bury
BL9 0RD

Section 3 – Representations

- ☐ We object to the application being granted at all
☐ We object to the application being granted in it's current form*

*If you choose this option remember to tell us in section 3B what changes you would like to see.

You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Objectives

TO PREVENT CRIME AND DISORDER

Please state your reasons:

Mr Matthew McClean has submitted an application for a premises licence review in respect of Sir Robert Peel, Sunnybank Road, Bury BL9 8EB.

We have noted the contents of the application, and would like to add the following in support of a variation of licence.

Mr McClean has made reference to two incidents that occurred on 7th July 2018 which resulted in four logs being recorded by the Greater Manchester Police, causing police attendance and two crimes being recorded for an affray and assault.

I have met with the licensees as a result of this application and the incident described requesting a copy of the cctv footage. The footage has since been provided and analysed.

Disappointingly there is no cctv coverage directly over the front entrance, and only one camera covering the front of the building which is of low resolution and overlooks Sunnybank Road. The poor quality of the footage has made it difficult to accurately record the actions of offenders and patrons at the premises when the disorder takes place.

This was the evening of a World Cup match in which England were playing, resulting in a large attendance at the premises, with the outside seating area being particularly busy. In summary, at approximately 21.30hrs the footage shows a vehicle pull up in front of the premises and three males exit and move to the direction of the front door and out of sight. A large group then appears from the direction of the premises and it appears that disorder takes place in the middle of the road and the vicinity of the facing service station.

Although there was no serious injuries reported, GMP acknowledges this would have had an effect on the community, particularly neighbouring residents evidenced in the calls to the 999 service.

A later incident was reported at 22.38hrs, however the licensees have reported that the premises stopped serving alcohol at 21.00hrs. On viewing the footage from inside the premises, although notably quieter, a male can be seen to return to a table with a full pint at 21.52hrs. There are still a number of other individuals in and around the premises. Despite this GMP cannot find evidence to suggest that this occasion was directly linked to the premises.

The Designated Premises Supervisor (DPS) Kirsty Maher is also Premises Licence Holder (PLH) and dps of The Northern Crafthouse, Bury New Road, Whitefield. Although Home Office Guidance states that a person can be DPS at more than one premises I would suggest that in light of the applicants concerns it would be appropriate to appoint a new DPS who can be responsible for the day to day running of this premises only.


Further Recommendations:

The cctv condition (point 1 under appendix C) to be amended to

	<p>the following condition to ensure compliance with the objectives:</p> <p>The premises is to operate a CCTV system which is to be maintained in good working order at all times the premises is open for business, such system and the positioning of the cameras to be to the reasonable satisfaction of Greater Manchester 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. A member of staff trained in the use of the CCTV system must be available (but not necessarily at the premises) at all times that the premises are open to the public to provide copies of data, subject to Data Protection legislation, upon request and as soon as reasonably practicable following a request. The premises licence holder or designated premises supervisor 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 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 12 hours.</p>
PUBLIC SAFETY	

TO PREVENT PUBLIC NUISANCE	<p>The premises has a large outside seating area around the front and side of the building. There is currently no licence condition to directly address this and therefore we respectfully request the following condition to be added:</p> <p>Outside seating area to be closed off at 2200hrs to prevent noise nuisance to local residents. A designated smoking area will be clearly marked for use when the seating area is closed.</p> <p>Point 7 under Appendix C also to be amended so that all external doors are not to remain open after 2200hrs.</p>
THE PROTECTION OF CHILDREN FROM HARM	

Section 3B – Suggestions/Further Information

Signed..........dated 7/8/18

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.