AGENDA FOR



LICENSING HEARING PANEL

Contact::	Nicole Tilly, Democratic Services
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To: All Members of Licensing Hearing Panel

Councillors : T Holt, 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:	Thursday, 27 September 2018	
Place:	Irwell Room, 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 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003, IN RESPECT OF WHICH A REPRESENTATION HAS BEEN MADE BY A RESPONSIBLE AUTHORITY (Pages 1 - 42)

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

REPORT FOR DECISION



Agenda Item

DECISION OF:	LICENSING HEARINGS PANEL		
DATE:	27 th SEPTEMBER 2018		
SUBJECT:	THIS REPORT RELATES TO AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF WHICH A REPRESENTATION HAS BEEN MADE BY A RESPONSIBLE AUTHORITY		
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERIVCES)		
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 to vary a Premises Licence under section 34 of the Licensing Act 2003 in relation to Crowded House, 626 Manchester Road, Bury, BL9 9SU in respect of which a representation has been received from a Responsible Authority.		
OPTIONS & RECOMMENDED OPTION	 To refuse the application To grant the application in the terms requested To grant the application subject to conditions To amend or modify existing or proposed conditions 		
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 A Premises Licence in respect of this premises has been in force since the 2nd April 2015. The Premises Licence Holder is Boxed Limited of which the registered address is 626 Manchester Road, Bury, BL9 9SU, Mrs Johanne Banks of 6 Helmcroft, Helmshore, Rossendale, BB4 4DL, has been the appointed Designated Premises Supervisor (DPS) since the grant of the licence.
- 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 variation of a premises 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:
 - a) the prevention of crime and disorder
 - b) public safety

- c) prevention of public nuisance and
- d) protection of children from harm.
- 2.5 The application for the grant of a premises licence was considered by the Licensing and Safety Panel on the 31st March 2015 following representations from Greater Manchester Police and a number of local residents. The following facts were found:
 - 1. The Applicant had plans to run a café bar and tapas style restaurant from the ground floor of the proposed licensed premises.
 - 2. The Applicant Boxed Limited's representative and Director Mrs Joanne Banks is the proposed Designated Premises Supervisor.
 - 3. Mrs Banks and her husband will both be involved in running the business from the proposed licensed premises.
 - 4. Both Mr and Mrs Banks have over 20 years' experience within the hospitality industry.
 - 5. The Application submitted is for a premises licence for on-site alcohol sales only.
 - 6. The Applicant would endorse and support the four licensing objectives above and beyond the necessary requirements.
 - 7. Greater Manchester Police would support the Application subject to a number of additional conditions which had been agreed with the Applicant's representatives.
 - 8. There would be no on-site parking provision to the front and but there is parking available at the rear of the property and side roads. The Applicant would be willing to seek additional parking provision from a neighbouring business should the need arise in the future.
 - 9. CCTV would be placed inside and outside of the premises which could be viewed on mobile devices and from the Applicant's home at any time.
 - 10.Mr Banks or Mrs Banks would be on site on a daily basis.
 - 11.Noise levels would be at an ambient level and subject to a limited volume output and subject to regular monthly checks.
 - 12.All customers would be welcomed in and out of the premises by a member of staff.
 - 13.Clear signage would be placed around the premises as a polite reminder to customers to be respectful of the neighbourhood on leaving the premises.
 - 14. The Applicant would promote positive community relationships with regular monthly community and charitable events being held at the premises. The Applicant also had plans to create additional public facilities on the premises, subject to the necessary permissions being submitted and acquired.
 - 15. The Applicant would encourage customers to use one established local taxi firm who use text message alerts for their customers.
 - 16.The Objector's primary concerns focused on previous unrelated issues of noise and anti-social behaviour from the clientele of a former public house situated next door to the premises.
 - 17. The Objectors raised concerns that the proposed redevelopment of the premises would lead to noise issues and additional parking problems for the neighbouring residential properties. Objectors felt that these potential problems would be exacerbated by the length of the proposed operating hours of the business.

DELEGATED DECISION

Having heard all the oral submissions and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided and in light of all relevant policy and guidance and unanimously resolved to grant the application.

The evidence was considered with care and it was established that following the evidence of all parties, having understood the application and equally understanding the representations made, on balance the Panel found there were no causes for concern so far as the promotion of the four Licensing Objectives were concerned.

All of the evidence was considered with care and it was established that having understood the application and equally understanding the representations made, and the evidence from all parties, the Panel found there were no causes for concern so far as the promotion of the 4 Licensing Objectives was concerned.

In relation to the additional licensing conditions proposed by Greater Manchester Police, the Panel decided that these were appropriate and necessary and that these should be attached to the premises license.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, to Grant the Application for a Premises Licence as set out in the report.

3.0 THE APPLICATION

3.1 The application is for a variation of the current Premises Licence under Part 3 of the Licensing Act 2003 for the purpose of removing two conditions from the operating schedule which were proposed by Greater Manchester Police in their capacity as responsible authority at the grant of the licence and were agreed by the applicant at the time.

The conditions which the applicant wishes to remove are as follows;

- 3/ Customers will be prevented from leaving the interior of the premises with alcoholic drinks in glasses or bottles.
- 4/ Table and Chairs and any other outdoor furniture located outside the premises, must be removed, and stored away in a safe area not accessible to the public each evening, no later than 1900hrs.

4.0 **REPRESENTATIONS**

- 4.1 A representation in respect of the application has been received from the Licensing Authority in their capacity as a responsible authority. The Licensing Authority will give their reasons for their representation in respect of the variation application at the hearing. Representation is attached at appendix 1.
- 4.3 The representation was received before the end of the objection period.

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 Representation from Licensing Authority. Minutes of Licensing Hearings Panel 31st March 2015

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 Email: <u>m.bridge@bury.gov.uk</u> 80

er."

58513 rec 3/8/18 Application to vary a premises licence under the Licensing Act 2003 Obj 31/8/18 PLEASE READ THE FOLLOWING TO

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We	Boxed Ltd	
	(Insert name(s) of applicant)	 ,
haina	the promises licence holder	

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0982

Part 1 - Premises Details

Crowde		nce survey map reference or descri	ption
Post town	Bury	Postcode	BL9 9SU

Telephone number at premises (if any)		0161 280 0901
Non-domestic rateable value of premises	£	£9,900

Part 2 - Applicant details

Daytime contact telephone number	07584688680
E-mail address (optional)	info@crowdedhousebury.co.uk
Current postal address if different from premises address	as above
Post town	Postcode

Part 3 - Variation

Please tick as appropriate

No

If not, from what date do you want the va	variation t	to take effe	rct?
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DD	MM	YYYY

Y Yes

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes 7No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Variation to remove conditons 3 and 4

3. Customers will be prevented from leaving the interior of the premises with alcoholic drinks in glasses or bottles.

4. Table and chairs and any other outdoor furniture located outside the premises, must be removed, and stored away in a safe area not accessible to the public each evening, no later than 1900 hrs.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill () to C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F),
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I) <u>Supply of alcohol</u> (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

1	Δ
-	

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors Outdoors
Day	Start	Finish		Both
Mon	-		Please give further details here (please read guidance	ce note 5)
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 6)	
Thur				
Fri			Non standard timings. Where you intend to use the performance of plays at different times to those lister	premises for the ed in the column on
Sat	<u> </u>	1	the left, please list (please read guidance note 7)	
Sun				

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			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors Outdoors
Day	Start	Finish		Both
Mon			Please give further details here (please read guidan	he for a second
Tue				
Wed			State any seasonal variations for the exhibition of figure and the seasonal variations for the exhibition of figure and the season of the seas	ilms (please read
Thur			N'	
Fri		1/	Non standard timings. Where you intend to use the exhibition of films at different times to those listed	
Sat	-		<u>the left, please list</u> (please read guidance note 7)	
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	r sporting		Please give further details (please read guidance note 5)	
	Standard days and timings			
(please	(please read guidance note			
8)				
Day	Start	Finish		
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Tue			State any seasonal variations for indoor sporting events (please read	
			guidance note 6)	
Wed				
freu				
Thur			Non standard timings. Where you intend to use the premises for indoor	
			sporting events at different times to those listed in the column on the	
D :			left, please list (please read guidance note 7)	
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Sat	1	1		
Suc				
Sun			2	
	-			

D

Boxing or wrestling entertainments Standard days and timings		U	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors
(please read guidance note 8)		-		Outdoors
Day	Start	Finish		Both
Mon			Please give further details vere (please read guidance note 5)	
Tue			NH	
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)	
Thur				
Fri			Non standard timings. Where you intend to use the boxing or wrestling entertainment at different times	to those listed in
Sat			the column on the left, please list (please read guida	nce note 7)
Sun				

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both please tick (please read guidance note 4)	Indoors Outdoors
Day	Start	Finish		Both
Mon			Please give further details here (please read guidance	re note 5)
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)	
Thur				
Fri	-		Non standard timings. Where you intend to use the performance of live music at different times to those	e listed in the
Sat			column on the left, please list (please read guidance	note 7)
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	led music		Will the playing of recorded music take place	Indoors	
			indoors or outdoors or both - please tick (please	muoors	
(prease read guidance note 8)		dance note	read guidance note 4)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidan	ce note 5)	
Tue					
				/	
Wed			State any seasonal variations for the playing of recorded music (please		
			read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the		
			playing of recorded music at different times to those		
Sat			column on the left, please list (please read guidance note 7)		
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Sun					
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G

		nd timings	Will the performance of dance take place Indøors indoors or outdoors or both – please tick (please read guidance note 4) Outdoors	
Day	Start	Finish	Both	
Mon			Please give further details here (please read guidance note 5)	
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the	
Sat			column on the left, please list (please read guidance note 7)	
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g)		that	Please give a description of the type of entertainm providing	ent you will be	
Standard days and timings (please read guidance note 8)					
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon			outdoors or both – please tick (please read guidance note 4)	Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the entertainment of a similar description to the	e the premises for at falling within (e),	
			(f) or (g) at different times to those listed in the column on the left, please list (please read guidarce note 7)		
Sun					

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Standard days and timings		nd timings	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors Outdoors
Day	Start	Finish		Both
Mon			Please give further details here (please read guida	nce note 5)
Tue				
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)	
Thur			NU	
Fri			Non standard timings. Where you intend to use the provision of late night refreshment at differe	nt times, to those
Sat	-		<u>listed in the column on the left, please list</u> (please 7)	e read guidance note
Sun			1	

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F -

Supply of alcohol Standard days and timings (please read guidance note 8)		nð timings	Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises Off the premises
Day	Start	Finish		Both
Mon			State any seasonal variations for the supply of al guidance note 6)	cohol (please read
Tue				
Wed				
Thur			Non-standard timings. Where you intend to use the supply of alcohol at different times to those li	isted in the
Fri			<u>column on the left, please list</u> (please read guidanc	e note 7)
Sat				
Sun			V /	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open		s are open	State any seasonal variations (please read guidance note 6)
to the public Standard days and timings (please read guidance note 8)		nd timings	
Day	Start	Finish	
Mon			
Tue			
Wed			Non standard timings. Where you intend the premises to be open
Thur			to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Fri	-	-	
Sat			
Sun			~ (

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The removal of conditions 3 and 4 would allow our customers to enjoy the seated area at the front of the premises. Smokers in the evening would remain seated under umbrellas, conversations would there for be at a lower level thus reducing the risk of disturbance to the neighbourhood.

We are a family restaurant that has been operating for nearly 3 years with no incidents of bad behaviour or violence, the police have never had to attend. We are not a late night Bar, the restaurant closes at 10 on a weekday and 11 at the weekend, we sell alcohol responsibly and take great care in preventing disturbance to our neighbourhood.

I have enclosed the premises licence V Please tick as appropriate

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

SEE ATTACHED

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

- 1. Clearly display House Rules which would be:
- a) anyone under the age of 18 must be accompanied by an adult after 8pm.
- b) children over the age of 16 may consume 1 alcoholic beverage with parental consent and parental accompaniment, as long as consumed with a meal.
- c) staff have the right to refuse alcoholic beverages to anyone at their digression.
- d) anyone under the age of 25 will be asked to provide a valid age identification such as a passport, driver licence, PASS hologram.
- e) no drunk and disorderly behaviour excepted and you will be asked to leave the premises and may be barred from the premisses.
- f) drug use will not be tolerated on these premises and the authorities will be informed should anyone be found to be partaking in these activities.
- g) thieves will be prosecuted.
- h) we take our responsibilities seriously to ensure your time with us is memorable and enjoyable. We are a responsible business and your health & safety are paramount in our mission statement, please drink sensibly and be considerate to others.
- i) should you have any remarks, comments or observations you would like to bring to our attention please ask to speak to a manager.

2. Operating Schedule displayed providing the hours of operation and licensable activities during those hours.

3. Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorise each sale.

4. Refresher training as part of team meetings added to minutes on a monthly basis.

5. Roller shutter doors installed at the rear of the buildings to protect access.

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies)

b) The prevention of crime and disorder

- 1. To reduce the risk of drunk & disorderly and potential fighting installation of CCTV cameras internally and externally, to the front and rear of the buildings, which can be viewed on mobile devise, on the premises or at our home. Those will be recorded.
- 2. We would have SIA approved security staff for private functions and at seasonal events such as Christmas and New Year.
- 3. Drug Prevention Staff training (signed) and vigilant observation. CCTV. Regular toilet checks for evidence of drug use.
- 4. Under age drinking challenge 25 scheme. staff training. clear guidance displaying our policies.
- 5. Theft CCTV cameras will be installed and monitored for staff and client theft. Signs to explain

that anyone caught thieving will be prosecuted.

6. Not selling of alcohol to drunk or intoxicated customers.

c) Public safety

- 1. Risk assessments will be carried out monthly and records kept. Any results of the risk assessment which are unsatisfactory would be reviewed with management and rectified.
- 2. Training on induction of staff of risk/hazard avoidance. Reviewed and refreshed as part of monthly meeting minutes.
- 3. Near miss monitor to encourage observation of risk to public safety.
- 4. Adherence to the planning regulations.
- 5. Public liability insurance & employee insurance.
- 6. Recording of supply chain in accordance to the Food & Drink Hygiene Regulations.
- 7. Clearly displayed signs to alert public and staff to potential risk areas, no entry areas & designated areas.
- 8. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
- 9. Internal and external lighting fixed to promote the public safety objective.

d) The prevention of public nuisance

1. Refusals register to promote best practice with staff and local authorities.

2. Signage around the interior and exterior of the property to ask the clients and respect our neighbours, please be quiet when entering or leaving the premisses.

3. The licensee or shift manager shall ensure that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.

4. SIA approved door staff when required.

5. Music will only be used as ambient background music with a limited volume output.

6. Regular checks on noise levels the music will not be heard outside or through neighbouring walls.

7. Ashtrays and signage in the designated smoking area to avoid litter. Designated sweeper cleaner of areas after each shift.

8. Premisses supervision on entering & leaving the building.

9. Collections and delivery to the rear of the building access.

10. Neighbourly reviews on best practise and improvement to prevent public nuisance in the first place

11. Promote and encourage relationships with the authorities to adhere their standard guidelines.

12. Arrangements with local taxi firms regards busy times, and their responsibilities to minimise disturbance to the neighbourhood.

13. The placing of refuse, such as bottles, into receptacles outside the premises shall

take place at reasonable times, so as to prevent disturbance to neighbouring

residents.

14. The waste will be placed in the appropriate receptacles and be collected on a weekly/as needed basis to avoid rodents and litter.

15. Customers will be asked not to stand around loudly talking in the street outside the premises.

16. Customers will not be admitted to premise outside of opening hours.

17. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to

nearby residents.

e) The protection of children from harm

1. "Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

2. Well trained staff about requirement for persons' identification, age establishment etc. and how to ask for it and manage confrontation.

3. All the details provided in Training Record Book available the retail unit.

4. Log Book will be kept upon the premises all the time.

Please tick to indicate agreement

I have made or enclosed payment of the fee; or /

I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.

I have sent copies of this application and the plan to responsible authorities and others where applicable. \checkmark

I understand that I must now advertise my application. \checkmark

I have enclosed the premises licence or relevant part of it or explanation. \checkmark

I understand that if I do not comply with the above requirements my application will be rejected. \checkmark

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	MAN	
Date	03/08/2018	
Capacity	DPS Owner/ Director	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Johanne Banks 626 Manchester rd					
Post town	Bury		Post code	BL9 9SU	
Telephone nur	nber (if any)	07584688680			
	orefer us to corresp owdedhousebury.c	oond with you by e-mail, o.uk	, your e-mail addres	s (optional)	



BURY COUNCIL

Licensing Unit **3 Knowsley Place Duke Street** Burv BL9 0EJ

Telephone 0161 253 5208

03/09/2018

Licensing Act 2003 **Premises Licence**

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Crowded House

626 Manchester Road, Bury, Lancashire, BL9 9SU,

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Time From Activity (and Area if applicable) Description Time To J. Supply of alcohol for consumption ON the premises only Monday - Sunday 11:00am 11:00pm

THE OPENING HOURS OF THE PREMISES

Description Monday - Sunday Time From 7:00am Time To Midniaht

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Boxed Limited

Boxed Limited

9 Manchester Road, Heywood, Lancashire, OL10 2DZ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

8968467

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Johanne Lee BANKS

6 Helmcroft, Helmshore, Rossendale, Lancashire, BB4 4DL. Telephone 07584688680 or 01706 830529



BURY COUNCIL

Licensing Unit 3 Knowsley Place Duke Street Bury BL9 0EJ

Telephone 0161 253 5208

03/09/2018

Licensing Act 2003 Premises Licence

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No.

Issued by





BURY COUNCIL

Licensing Unit 3 Knowsley Place Duke Street Bury BL9 0EJ

Telephone 0161 253 5208

03/09/2018

Licensing Act 2003 Premises Licence

ANNEXES

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, and 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.

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.
 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.

Mandatory Conditions pursuant to The Licensing Act 2003 Mandatory Licensing Conditions (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:



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(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise)

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint
(ii) gin, rum, vodka or whisky: 25 ml or 35 ml, and
(iii) still wine in a glass: 125 ml





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(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises, and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Definition:

Responsible person - as defined by section 153 (4) Licensing Act 2003 -

- (a) In relation to a licensed premises -
- (i) the holder of a premises licence in relation to a premises
- (ii) the designated premises supervisor (if any) under such a licence
- (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.
- (b) In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula-

$P = D + (D \times V)$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,



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- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions from the Operating Schedule

1/ The premise are 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 location of cameras will be recorded on the plan attached to the licence. 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 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

2/ Staff training shall take place on the Licensing Act and Licensing objectives when employment commences and subsequently a minimum of every six months after. A written





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

3/ Customers will be prevented from leaving the interior of the premises with alcoholic drinks in glasses or bottles.

4/ Table and Chairs and any other outdoor furniture located outside the premises, must be removed, and stored away in a safe area not accessible to the public each evening, no later than 1900hrs.

5/ The DPS or premises licence holder must develop and operate a dispersal policy for clientele leaving the premises (this may include links to local taxi companies)

6/ Prominent clear and legible notices must be displayed at the exit requesting that customers respect the needs of local residents and to leave the premises and area quietly.

7/ No refuse shall be disposed of, or collected from the premises between the hours of 9pm - 7am where such disposal or collection is likely to cause disturbance to the local residents.

8/ The premises will operate a "Challenge or 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. Delivery drivers will be trained and will verify age of customers when delivering orders containing alcohol.

9/ All incidents shall be recorded in a sequentially bound 'incident' log. Each entry must record:

- a. The name of the server;
- b. Date and time of the incident;
- c. Description of the incident, which may include:
- i. Refusal to serve (and reasons);
- ii. Suspicious activity;



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- iii. Crime and/or disorder;
- iv. Remedial action taken (if any).



Signature of Authorised Officer





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Licensing Act 2003 Premises Licence Summary

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Crowded House

626 Manchester Road, Bury, Lancashire, BL9 9SU.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

 Activity (and Area if applicable)
 Description
 Time From
 Time To

 J. Supply of alcohol for consumption ON the premises only
 Monday - Sunday
 11:00am
 11:00pm

THE OPENING HOURS OF THE PREMISES
Description

Monday - Sunday

Time From **7:00am**

Time To Midnight

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Boxed Limited

9 Manchester Road, Heywood, Lancashire, OL10 2DZ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Boxed Limited

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Johanne Lee BANKS

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

The premises will operate a "Challenge or 25" proof of age policy and signage to this effect is to be prominently





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STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED continued ...

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. Delivery drivers will be trained and will verify age of customers when delivering orders containing alcohol.



Signature of Authorised Officer

Rod. 31/8/18.

The Licensing Act 2003

Responsible Authority Representation Form

Section 1 - Application Details
We object to the following Application:
Removal of Conditions 3 & 4 from Premises Licence PL0982 held by Boxed Limited for the premises known as Crowded house, 626 Manchester Road, Bury, BL9 9SU
Type of application. Premises Licence variation
New Premises Licence
Application Number (if known):

	Se	ection 2 – Responsible Authority's Details
Respo	onsible A	Authority's Details:
Please	e tick app	ropriate box:
	Police	
	Fire Au	thority
	Plannin	ng Authority
	Health	and Safety
	Environ	nmental Health Service
	Child P	rotection
	Weight	s and Measures
X	Licensi	ng Authority
	Immigra	ation
	Public I	Health Department
Full name:		Alexander O'Farrell
Job Title:		Enforcement Officer
Tele n	umber:	0161 253 5065
Email:		a.v.ofarrell@bury.gov.uk
Addres	s: 3 Kno	wsley Place, Duke Street, Bury, BL9 0EJ

Section 3 – Representations

X We object to the application being granted at all
 We object to the application being granted in its 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:
Public safety	Please state your reasons:
To prevent public nuisance	 Please state your reasons: Premises Licence PL0982 was first granted on the 2nd April 2015. It was granted to Boxed Limited for Crowded House, 626 Manchester Road, Bury, BL9 9SU. Prior to its commencement and approval; the Licensing Hearings Panel was convened on the 31st March 2015 to consider representations that had been submitted by Greater Manchester Police in their capacity as a Responsible Authority and Interested parties. Greater Manchester Police had liaised with representatives of the prospective Premises Licence Holder before the hearing and it had been mutually agreed that several conditions be added to the Operating Schedule. The conditions as presented before the Hearing were:

1. The premise are 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 location of cameras will be recorded on the plan attached to the licence. 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 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

- 2. Staff training shall take place on the Licensing Act and Licensing objectives when employment commences and subsequently a minimum of every six months after, 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.
- 3. Customers will be prevented from leaving the interior of the premises with alcoholic drinks in glasses or bottles.
- 4. Table and Chairs and any other outdoor furniture located outside the premises, must be removed, and stored away in a safe area not accessible to the public each evening, no later than 1900hrs.
- 5. The DPS or premises licence holder must develop and operate a dispersal policy for clientele leaving the premises (this may include links to local taxi companies)
- 6. Prominent clear and legible notices must be displayed at the exit requesting that customers respect the needs of local residents and to leave the premises and area quietly.

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Document Pa	ack Page 38
	 No refuse shall be disposed of, or collected from the premises between the hours of 9pm – 7am where such disposal or collection is likely to cause disturbance to the local residents.
	8. The premises will operate a "Challenge or 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. Delivery drivers will be trained and will verify age of customers when delivering orders containing alcohol.
	9. All incidents shall be recorded in a sequentially
	bound 'incident' log. Each entry must record:
	a. The name of the server;
	 b. Date and time of the incident;
-	c. Description of the incident, which may include:
	i. Refusal to serve (and reasons);
	ii. Suspicious activity;
	Crime and/or disorder;
	iv. Remedial action taken (if any).
	In May 2016 the Licensing Service was contacted by a concerned resident complaining that this premises was failing to adhere to Condition 4 of its Premises licence; namely that all outdoor furniture should be removed and stored away in a safe area not accessible to the public each evening, no later than 19:00 hrs. The Premises Licence holder was contacted, advised and verbally warned
	of the need to adhere to the conditions stipulated within the Premises Licence. A further complaint was lodged by the same concerned neighbour in August 2016 highlighting the same issues. The business was again contacted by the then Deputy Licensing Officer who spoke to the Duty Manager and DPS and advised them that further repetitions could result in further enforcement action being undertaken.
	In October 2017 the concerned resident who had complained in 2016 contacted the licensing service and made allegations that the business had: started operating

noisy roller shutters at 05:30, was leaving outdoor furniture in front of the property after 19:00 and was contributing to a parking issue that had become evident on Manchester Road. The business was visited and a conversation was had with Mr David Banks; a director of Boxed Limited; the Premises Licence Holder and Mrs banks the Designated Premises Supervisor. He denied responsibility for parking and noise but agreed that measures would be taken to render the outdoor furniture unusable by patrons after 19:00. Such measures discussed included the stacking and chaining up of furniture to prevent its use by customers.

In November 2017; an out of hours compliance check confirmed that the business had removed the furniture after 19:00.

In February 2018; the concerned resident who had contacted the service in 2016 and 2017 contacted the Licensing Service and made allegations that furniture was being left outside the property after 19:00 before being dragged in late at night and noise was an issue as a result of: premises alarms sounding, shutter doors being operated at anti-social hours and customers slamming car doors when parking outside the premises. Furniture had indeed been observed in a useable state outside the property after 19:00 by enforcement staff from the Licensing Service and consequently the premises was visited. The Premises Licence Holder alleged that complaints being received were vexatious as the shutters were not operated until 9:45 and fake grass had been installed at the front of the premises which would have prevented noise from emanating as furniture was dragged on concrete during its removal.

In July 2018 two complaints were received by the Licensing Service that furniture was again being left outside the premises beyond 19:00. In one complaint it was alleged that the premises was opening beyond the hours granted to it by the Local Authority's Planning Department. Furthermore, Licensing Officers had observed furniture outside the premises at 21:30 in a useable state. The Licensing Service's electronic database was examined and having given consideration to the matters previously mentioned the decision was made by the Deputy Licensing Officer to deliver a written warning to the designated premises supervisor. A copy of this warning is attached at Appendix A.

At the end of July 2018; the Premises Licence Holder notified the Service of an intention to submit an application to vary the premises licence. It was originally received but

	 under examination and subsequent discussion with the DPS was withdrawn and resubmitted as the original application had failed to take into consideration Conditio 3 of the Operating Schedule which prevents customers from leaving the interior of the premises with alcoholic drinks in glasses or bottles. When checked in August 2018; Licensing Officers noted that furniture had been removed from the front of the premises in accordance with the conditions on the Premises Licence.
The protection of children from harm	Please state your reasons:
Se	ection 3B – Suggestions/Further information

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

Stephen Kenyon CPFA Interim Executive Director of Resources and Regulation

Our Ref Your Ref Date Please ask for Direct Line E-mail

2 July 2018 Laura Jones 0161 253 7206 laura.j.jones@bury.gov.uk



Department for Resources and Regulation

Jayne Hammond LLB (Hons) Solicitor Assistant Director Legal & Democratic Services

Mrs Johanne Banks 6 Helmcroft Helmshore Rossendale BB4 4DL

Dear Johanne

Premises Licence Breach of Condition – Licensing Act 2003

I am writing to you in your position as Designated Premises Supervisor for the Premises licence at Crowded House, Manchester Road, Bury.

When the application for the premises licence was made in January 2015, as you are aware, there were a number of representations from residents which subsequently led to the application being heard before the Licensing & Safety Panel on 31 March 2015.

At this hearing the licence was granted however conditions were added to the operating schedule by Greater Manchester Police who had also made representation to the application. You confirmed that you were happy for these conditions to be added to the operating schedule in an email to PC Watson of the Partnership Team and copied to Licensing on 19th February 2015.

Condition number 4 on the representation from Greater Manchester Police states as follows;

4/ Table and Chairs and any other outdoor furniture located outside the premises, must be removed, and stored away in a safe area not accessible to the public each evening, no later than 1900hrs.

The Licensing service have received four complaints that the furniture is being left outside past 7pm. This has also been observed by enforcement staff when undertaking evening enforcement work. We have visited the premises and spoke to yourself regarding this issue on two occasions.

I have this morning received a further complaint that the furniture is not being taken inside until the premises is closing. This is a breach of the condition attached to your premises licence.

Electronic or fax service of Legal documents is not accepted

3 Knowsley Place, Duke Street, Bury, BL9 OEJ www.bury.gov.uk

Bury | Prestwich | Radcliffe | Ramsbottom | Tottington | Whitefield

Please be advised that further complaints relating to a breach of the conditions attached to your Premises Licence could trigger a review of the Premises Licence which may result in the licence being either amended, suspended or even revoked and or you being removed from the licence as the DPS.

If you require any further information please do not hesitate to contact me by email or phone as above.

Yours faithfully

Laura Jones Deputy Licensing Officer