

AGENDA FOR

LICENSING HEARING PANEL

Contact: Julie Gallagher
Direct Line: 0161 2536640
E-mail: julie.gallagher@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Licensing Hearing Panel

Councillors: J Grimshaw, B Mortenson and T Rafiq
(Chair)

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, 4 December 2019
Place:	Council Chamber, Bury Town Hall, Knowsley Street, Bury BL9 0SW
Time:	10.30 am
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Panel are asked to consider whether they have an interest in any of the matters of the Agenda, and if so, to formally declare that interest.

3 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF SKY BAR (BURY) LTD AT UNIT 4, KAY GARDENS, BURY, BL9 0BL *(Pages 1 - 18)*

A report from the Assistant Director of Legal and Democratic Services is attached.

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	LICENSING HEARINGS PANEL
DATE:	4th DECEMBER 2019
SUBJECT:	APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF SKY BAR (BURY) LTD AT UNIT 4, KAY GARDENS, BURY, BL9 0BL
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 for a Premises Licence to be granted under the Licensing Act 2003 in respect of Sky Bar (Bury) Ltd at Unit 4 kay Gardens, Bury, BL9 0BL in respect of which representations have been received.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To grant the application in the terms requested • To grant the application subject to conditions • To amend or modify existing or proposed conditions • To refuse the application
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and

	Crown Courts.
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
Wards Affected:	EAST
Scrutiny Interest:	Internal Scrutiny Panel

TRACKING/PROCESS**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 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. BACKGROUND

- 2.1 The applicant for the licence in respect of the above premises is Sky Bar (Bury) Ltd of 10 Leemans Hill Street, Tottington, BL8 3DU. Mr Davide Mammarella is the proposed Designated Premises Supervisor (DPS) of 8 Oakwood Grove, Radcliffe, M26 2YL.
- 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 grant of a 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

3. THE APPLICATION

- 3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

The operating schedule shows the following:

- a. Supply of alcohol – For consumption On the Premises only.
Sunday to Thursday 09.30 to 00.00
Friday and Saturday 09.30 to 00.30
- b. Provision of Live Music (Indoors)
Monday to Sunday 19.00 to 23.00
- c. Provision of Recorded Music (Indoors)
Sunday to Thursday 09.30 to 00.00
Friday and Saturday 09.30 to 00.30

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 4.1 Greater Manchester Police will shortly give their reason(s) for their representations in relation to this application which they request the Panel to refuse.
- 4.2 Greater Manchester Police have indicated that they may request the members of the Panel to consider an application under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations to exclude the public from all or part of the hearing.

All the representations were received before the end of the objection period.

5.0 SECTION 182 GUIDANCE

- 5.1 Under the Section 182 Guidance issued under the Licensing Act 2003, the following sections are relevant:-

- 16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

Live music: no licence permission is required for:

A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Recorded Music: no licence permission is required for:

Any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

6.0 OBSERVATIONS

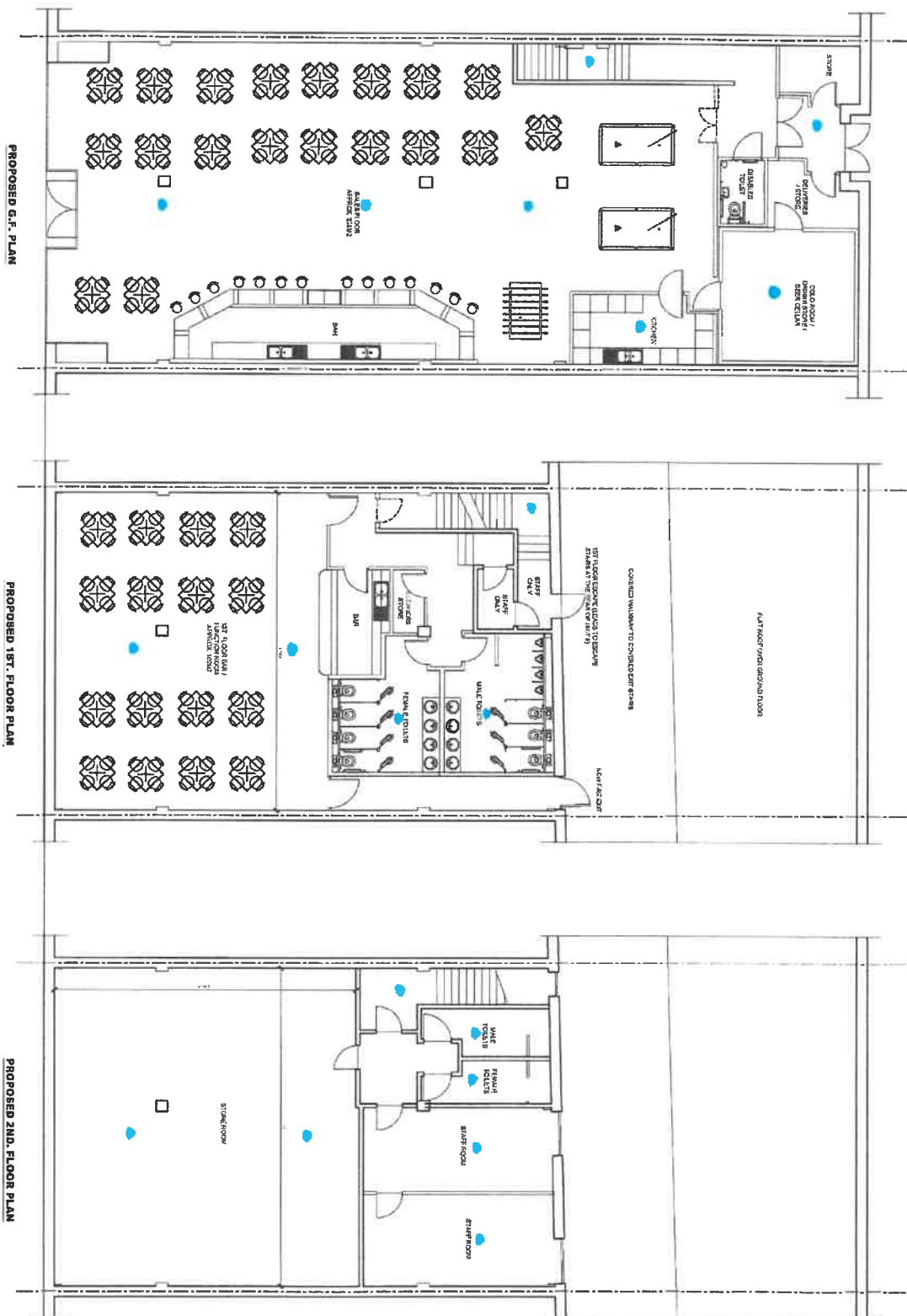
- 6.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

List of Background Papers:-

Application form
Representation received
Plan

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

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury
Telephone No: 0161 253 5208
Email: m.bridge@bury.gov.uk



1.23 DIRECTION

Proposed curricula & syllabi.

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