

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 1 July 2020

Present: Councillor T Holt (in the Chair)
Councillors J Grimshaw and I Schofield

Also in attendance: PC Greg Scott (GMP)
Councillor S Walmsley
Licensing Manager, Solicitor, Democratic Services Officer and
Head of Trading Standards & Licensing (Bury Council)

Public Attendance: Miss Natalie Cummings (Applicant)

1 APOLOGIES FOR ABSENCE

There were no reported apologies for absence.

2 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Panel Meeting held on the 1st April 2020 via conference call were attached to the agenda.

Resolved:- That the minutes of the LHP held on the 1st April 2020 via conference call be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF HUB BAR AT 1 HASLAM STREET, BURY

On the 6th February 2020, the Licensing Authority received an application for a Premises Licence in respect of the Hub Bar at 1 Haslam Street, Bury. This matter was scheduled to take place on the 1st April 2020, however the Licensing Unit Manager Mr M. Bridge explained via telephone conference call on the above date and that since the application had been received there had been the outbreak of the Covid-19.

As a result of this and the restrictions and requirements for social distancing, it was felt that the hearing of the application together with representations from GMP and the Ward Councillor could not be dealt with fully in the public interest.

Due to these circumstances, in order to deal with the application in the appropriate manner it was proposed that the time period set out in the Licensing Act 2003 (Hearings) Regulations 2005 within which the hearing of the application must be commenced, be extended in the public interest, in order to ensure a full

and fair hearing, for three months until 1 July, pursuant to regulation 11 of those Regulations.

The application was as detailed in the report which was presented to the Members of the Panel by the Licensing Unit Manager

All written representations were contained within the report to Panel. All documentary evidence comprising the application, report provided with the agenda and representation were served on all parties in advance of the hearing

The Solicitor for the Council explained the role of Councillor Walmsley as spokesperson for local residents making objections. That she has no influence in her capacity as councillor and member of the Licensing and Safety panel. That she will not be a party to the decision making process. That her representations were made on behalf of residents before she was appointed to the Panel.

The Applicant confirmed that she understood this explanation.

It was noted that GMP and the applicant had agreed amended conditions.

The applicant Miss Natalie Cummings addressed the Licensing Hearing Panel and provided an overview of the business, plans for the future and to address any of the concerns which had been raised prior to the meeting. Including:

- Her experience of bar work
- Her ability to comply with the licensing objectives
- That the bar would be an asset to the community
- She referred to her written statement addressing the objections made
- She referred to the letter of support from the Children's Home and a neighbour
- All TEN's events had gone well without complaint
- She had promptly removed tables and chairs from outside upon receiving a complaint
- She would ask staff to park on Salford Street

The Panel asked a number of questions to the applicant with response provided.

The objectors present were given the opportunity to submit their objections to the Panel. The following concerns were raised by GMP:

- Opening hours
- Activities outside the premises which would be unlicensed
- Car parking problems
- Noise disturbance to residents

Councillor Walmsley also submitted representations made on behalf of local residents. These included:

- A large number of people had approached her with concerns over issues including
- Excessive noise from a bar on a residential street
- Light intrusion into homes – especially facing premises with bedrooms for young children

- Protection of children from harm. The letter from the Children's Home was pleasing however, a bar can attract anti-social behaviour and drunkenness which would negatively affect the environment for the children
- Problem of licensee not being able to control people once they leave the bar
- Location – on a blind bend – parking and taxi drop offs and pickups are an issue
- Residents reported the use of tables and chairs outside the premises
- A bar in a residential area poses problems
- She had received 11 objections in total but was unable to say if the 2 who had withdrawn their objections were in that 11.
- This should be a preventative approach, not reactionary.

Those present at the meeting were given the opportunity to sum up.

PC Scott summarised that GMP still had concerns over crime and disorder even though modified conditions had been agreed.

Councillor Walmsley summarised that the location for a bar was inappropriate

The applicant summarised and emphasised her own ability, that the review process was available, that she understood the issue of prevention but wanted the opportunity having done everything asked of her. That she accepted the vulnerability of children but will promote the licensing objective of protection of children from harm. She would ensure staff park in Salford Street. There is a place for smokers at the front away from the children's home with a window that she can see through with 2 cigarette bins.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in April 2018.

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

Findings:

The following facts were found:

The Panel noted that:-

- **2 residents had withdrawn their objections**
- **The applicant's assurances regarding parking, client dispersal, noise and Challenge 25 were all accepted.**

The Panel then duly retired to consider the application and all of the information provided.

The Panel took into account the representations made and the submissions from the Applicant.

Resolved:- It was agreed unanimously, to grant the application subject to the conditions as per the report and the additional modified conditions agreed between the applicant and PC Scott on behalf of GMP.

COUNCILLOR T HOLT Chair

(Note: The meeting started at 10.30am and ended at 12.15pm)

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Chair**

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