

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 21 June 2022

Present: Councillor G McGill (in the Chair)
Councillors J Grimshaw and G Marsden

Also in attendance: M. Bridge (Licensing)
M. Cunliffe (Democratic Services)
M. Neatis (Environmental Health)
J. Witkowski (Legal)

Mr Daubney (For the Applicant)
Mr Blackmore and Mr Edwards (Representors)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No other members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Mr B Thomson, Head of Public Protection.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF MAJOR HOTEL, 158-160 BOLTON STREET, RAMSBOTTOM, BL0 9JA

The Licensing Authority received an application to vary a Premises Licence under section 34 of the Licensing Act 2003 in relation to the Major Hotel, 158-160 Bolton Street, Ramsbottom, BL0 9JA in respect of which representations had been received from a Responsible Authority and 7 interested parties.

The Applicant for the variation to the licence in respect of the above premises is The Elephants Trunk Ltd, registered address of 2 Longsight Road, Holcombe Brook, Ramsbottom, BL0 9TD. The Designated Premises Supervisor (DPS) is Ms Leigh Ann Wilson of Old White Horse, 12 Church Street, Ainsworth, BL2 5RT.

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

The Licensing Unit Manager presented the report and explained the application is for the variation of a Premises Licence under Part 3 of the Licensing Act 2003. The nature

of the variation is to extend the current premises licence to cover the land adjacent (existing car park) to use this for the consumption of alcohol and also for the retail sale of alcohol by way of a temporary structure that will be used as a service station (Bar). Different hours are proposed for activities both inside and outside the premises. The application also requested the removal of the current restriction for Good Friday and an increase of one hour on the terminal hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays.

It was noted that the timings on this licence predate the implementation of the Live Music Act 2012 which now permits licensed premises to have regulated entertainment (Live Music and Recorded Music) Monday to Sunday between 8.00 until 23.00.

It was reported that Greater Manchester Police had been mediating during the representation period with the Applicant prior to the hearing and they have accepted the conditions contained at Appendix 1 of the report. In addition, the Applicant has volunteered further conditions on the Operating Schedule to the application, which was attached at Appendix 2 of the report.

The Licensing Unit Manager went on to report that a representation from the Environmental Health Service had been made against the application (specifically against the sale of alcohol in the outside area between 12.00 to 21.00). Full details of the representation was contained at Appendix 3 of the report which in summary referred to;

- Outside seating area very close proximity to residential properties
- Noise created will carry to the properties causing a potential nuisance
- Generator to power outside bar has potential to cause a noise nuisance
- No barriers to deflect or reduce the noise.

It was further reported that seven relevant representations from interested parties had been made against the application. Full details of the representations were contained at Appendix 4 of the report which in summary related to;

- Nowhere to park with car park being used for seating area
- Noise and disturbance to residents
- Anti-social behaviour from customers
- Rubbish

All documentary evidence provided with the agenda pack comprising the application, the report and representations were served on all parties in advance of the hearing.

The Licensing Unit Manager clarified the proposed variation of the opening hours requested within the Operating Schedule was as follows:

Hours open to the Public

Indoor Area

Monday to Sunday 11.00 until 00.30

Outdoor Area

Monday to Sunday 12.00 until 21.00

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Supply of Alcohol - For consumption On and Off the Premises

Indoor Area

Monday to Sunday 11.00 until 00.00

Outdoor Area

Monday to Sunday 12.00 until 20.30

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Indoor Sport

Monday to Sunday 11.00 until 00.00

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Live Music Indoors and Outdoors

Saturday 8.00 until 23.00

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Recorded Music Indoors and Outdoors

Monday to Sunday 23.00 until 00.00

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

The Applicant was represented by Mr Daubney, who presented the application to the Sub-Committee and stated that financial investment was being made to make the pub a friendly place to attend. The use of the land adjacent, which was currently the car park, would be utilised in the summer months for customers to sit outside. There would be no big bands performing music outside, it was just for use as a beer garden until it closed at 9.00pm. He informed the meeting that last week he had delivered information by way of letters to local residents to outline the plans and would like to be approachable and deal with any complaints if they arose.

He went on to state that he felt the outdoor venue would improve the area and stop anti social behaviour on the car park along with improving the appearance of overgrown grassed areas. He advised the sub-committee that he managed 4 other pubs and was happy to work with neighbours and pointed to the example of moving a

proposed generator to the other end of the land following a discussion with a neighbour.

Mr Neatis from the Council's Environmental Health Department advised the Sub-Committee that the original representation was based upon concerns that the terraced houses were less than 30 meters away from the outdoor area and may result in being affected by noise which may amount to a statutory nuisance. However, he reported that there a number of temporary event notices had been applied for and events held in recent weeks. He stated that only one complaint had been made received from a resident via a local Councillor in relation to noise nuisance and they could not hear their radio when in the garden of their property. He went on to state that as those events had taken place and only the single complaint made, the Officer felt there was not great potential for noise nuisance and therefore had no objections to the application.

Mr Edwards made representations to the Sub-Committee that he had spoken to a Councillor on the Licensing Committee and stated that had he been informed of the relevant Council department he would have sent his complaint direct.

Mr Blackmore also stated to the Sub-Committee that he chose to go away for 2 days whilst the temporary events took place and he would also have made a complaint direct to an Officer had he known the relevant contact details.

The Licensing Manager provided information on the dates of the 4 temporary event notices.

Mr Edwards then set out his representations to the Sub-Committee and stated that he felt that there would be intrusive noise level from the car park area if used for customers of the pub and some terraced homes were only a few metres away. In relation to temporary events held recently, he stated that the noise levels generated could be heard throughout his house and that he could not read a book in peace or even enjoy the television. Whilst he had no problems with food or drink being used in a beer garden, live or recorded music would interfere and disrupt local residents. He reported that one neighbour was in tears over the music and people would be driven out of their homes having to sell properties at a devalued rate. He asked the Sub-Committee to protect local residents as it would prove excessive and extreme whilst damaging the local community's quality of life. He referred to the fact that residents including his wife, are very upset and stressed at the prospect of further noise disrupting the use of their homes. He stated that this could also affect people selling their homes.

Mr Daubney questioned if it would be acceptable to hold events on bank holidays a few times throughout the year and Mr Edwards stated whilst not desirable people would be able to live with the very limited number.

Mr Blackmore then made representations and reported that he had purchased a noise reading machine and over 50 and up to 78 decibels were recorded in his house when music and a generator were in operation. He stated that a letter had been received from the pub but this was 2 weeks after the first event had taken place. He stated that previous landlords had made efforts in the past informing them with prior notice for events such as a beer festival and this gave him the option to spend a couple of nights away from his home if he chose to do so. He also stated he had had concerns with the removal of the car parking facility which could accommodate 16 vehicles and these would be parked on already busy residential streets and causing obstruction on double yellow lines. It had recently caused a problem for putting bins out and people walking

with open drink containers would generate litter in the street and broken glass was evident in the area.

The Licensing Unit Manager advised the Sub-Committee that if the licence was granted, a review process can be undertaken if several complaints are made and there are problems promoting the licensing objectives. He also confirmed that the car park could still be used to consume alcohol and also that parking provisions is not a relevant consideration.

In summing up, Mr Neatis referred to the fact noise complaints can be raised.

Mr Edwards and Mr Blackmore referred to their previous comments and the impact upon the community.

Mr Daubney stated in summing up that he wished to work with public and not against them as his neighbours were his closest customers. If there were any problems he would try and resolve them by working with people to reduce any nuisance and operate a nice business in the area.

The Sub-Committee then duly retired to consider the application.

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:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) 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 together with relevant representations presented by all parties.

Delegated decision

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations and changes made by the Applicant in view of the agreement reached between the Applicant and the Responsible Authority (GMP), the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned in respect of the indoor provision. However, the Sub-Committee did have cause for concern as to the application regarding the outdoor provision.

It was therefore agreed unanimously, to amend or modify existing or proposed conditions for indoor use only and refuse the element of the application for outdoor use on the grounds of prevention of public nuisance, in that public nuisance would be

caused to local residents from noise emanating from the proposed use of the carpark, from voices, live and recorded music. This is because of the proximity of the carpark area to local residences, which the Sub-Committee was satisfied would be affected.

The Sub-Committee therefore granted the variation of the premises licence with the new timings and to include the removal of the current Good Friday restricted hours:-

Hours open to the Public

Indoor Area	
Monday to Sunday	11.00 until 00.30
Non-Standard Timings	One extra hour for the end of British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Supply of Alcohol - For consumption On and Off the Premises

Indoor Area	
Monday to Sunday	11.00 until 00.00
Non-Standard Timings	One extra hour for the end of British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Indoor Sport

Monday to Sunday	11.00 until 00.00
Non-Standard Timings	One extra hour for the end of British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Live Music Indoors

Saturday	8.00 until 23.00
Non-Standard Timings	One extra hour for Christmas Eve, New Years Eve and Bank Holidays

Recorded Music Indoors

Monday to Sunday	23.00 until 00.00
Non-Standard Timings	One extra hour for the end of British Summertime, Christmas Eve, New Years Eve and Bank Holidays

In addition, it agreed that the following additional conditions to be applied :-

The Prevention of Crime and Disorder

- The premises including the outside areas will operate a fully functioning and effective CCTV system.
- All CCTV footage will be maintained for a minimum of 28 days and will be made available to responsible authorities on request.

- Any CCTV malfunction will be brought to the attention of the GMP licensing officer ASAP and in any case within 12 hours of the malfunction being identified.
- The premises will employ SIA door security on key dates such as New Year's Eve, Boxing day, the last Friday before Christmas day and on Sunday's of a bank holiday weekends during times deemed necessary by the DPS. The Designated Premises Supervisor will dynamically risk assess the requirement for door staff on other dates.
- The Designated Premises supervisor will keep and maintain an incident and refusals register. All incidents and refusals will be recorded in the register ASAP and in any case before the close of business on the day of the incident/refusal. The register will be maintained on the premises and made available for inspection to responsible authorities.
- The premises will operate a challenge 25 age verification policy. Any person appearing to be under the age of 25 will be required to provide photographic ID in order to establish that they are 18 years or over.
- The only acceptable forms of ID will be Passport, UK driving licence or any photographic ID bearing the holographic PASS logo.
- The Designated Premises Supervisor will ensure that any unattended glass wear will be removed from all outside area's as soon as practicable.

And also;

- Windows and doors to be kept closed whilst live music is on.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.00pm and ended at 2.16pm)