

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 2 February 2023

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

Also in attendance: A. Green (Legal)
M. Bridge (Licensing)
M. Cunliffe (Democratic Services)

Public Attendance: Mr Dixon (Applicants Representative)
Mr Clark (Applicant)
I Oldman- Bury Times (Press).

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B Thomson- Head of Public Protection, R Hall- Bury Council and Ms Rawlinson (Representor).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETINGS

The minutes of the last Licensing Hearing Sub Committee meetings held at 10.30am and 2.00pm on the 15th November 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committees held at 10.30am and 2.00pm on the 15th November 2023 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF RAVENS BAR, 2A WASH LANE, BURY, BL9 6AS

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Ravens Bar, 2a Wash Lane, Bury, BL9 6AS.

The applicant for the licence and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Paul Clark, 29 Sanderson Street, Bury, BL9 6BP.

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

The Licensing Unit Manager presented a report and 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 Where representations are made and not withdrawn Members are required to determine them

Representations must be relevant to the licensing objectives defined within the Act.

The objectives are:-

- the prevention of crime and disorder
- public safety
- prevention of public nuisance and
- protection of children from harm

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

The operating schedule detailed the following:

a. Recorded music - Indoors

Monday to Thursday	23.00 to 01.00
Friday to Saturday	23.00 to 03.00
Sunday	23.00 to 01.00
New Years Eve	23.00 to 03.00

b. Supply of alcohol – For consumption On the Premises.

Monday to Thursday	12.00 to 01.00
Friday to Saturday	12.00 to 03.00
Sunday	12.00 to 01.00
New Years Eve	12.00 to 03.00

c. Hours open to the Public

Monday to Thursday	12.00 to 01:30
Friday to Saturday	12.00 to 03.30
Sunday	12.00 to 01.30
New Years Eve	12.00 to 03.30

The conditions contained in the operating schedule submitted by the applicant were contained at Appendix 1 in the agenda packs.

Environmental Health had submitted a representation in their capacity as a Responsible Authority. The representation was contained at Appendix 2 in the agenda packs.

Greater Manchester Police (GMP) had also submitted a representation in their capacity as a Responsible Authority. The representation was contained at Appendix 3 in the agenda packs.

One relevant representation, from an interested party had been made against this application. A summary of this is detailed below:-

- Noise from music
- Parking
- Busy road
- Potential for Crime and Disorder
- Rubbish

The representation was attached at Appendix 4 in the agenda packs.

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.

The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

In making its decision with regard to this variation hearing, the steps the Sub-Committee can take are:

- 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

All licensing determinations should be considered on the individual merits of the application.

The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is

intended to achieve. Findings on any issues of fact should be on the balance of probability.

It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

The Sub-Committee is asked to determine what steps, as set out above, are appropriate for the promotion of the licensing objectives.

Extra information circulated prior to the meeting after publication of the agenda pack included a photograph of the location.

The Licensing Unit Manager updated the committee and reported that discussions had taken place between the applicant's representative, Mr Dixon and Greater Manchester Police, and as a result Environmental Health had withdrawn their representations.

The agreed conditions as part of the Operating Schedule were shared on screen by the Licensing Unit Manager who provided an update and overview to Members of the committee.

Under the Public Safety section and that the premises has smoke detectors and fire extinguishers. Mr Dixon would provide the Licensing Unit Manager with full details relating to this condition and would also amend the location plan on page 35 of the agenda packs.

The Licensing Unit Manager also clarified to Members that car parking was not a consideration for the Committee and this had been detailed in the short representation in Appendix 4 of the agenda packs.

Mr Dixon thanked both GMP and Environmental Health for agreeing to the conditions before the hearing and said that there would not be excessive noise levels with only background music to be played. He also added that the opening hours were the same as the nearby Cotton Tree public house although all the hours requested may not be required.

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 assurances made by the applicant's representative and in view of the agreement reached between the applicant and the Responsible Authority, the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed unanimously, that the Sub-Committee grant the application for a Premises Licence, subject to adoption of the following conditions agreed by GMP and Environmental Health which were accepted by the applicant.

Operating Schedule

The Prevention of Crime and Disorder

- The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - all crimes reported to the venue, or by the venue to the Police
 - all ejections of patrons
 - any incidents of disorder
 - any faults in the CCTV system
 - any visit by a relevant authority or emergency service
- The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be

made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.

Public Safety

- The licensed area of the premise will have two fire extinguishers and two smoke detectors
- The equipment will be always maintained in good working condition. Servicing will be carried out at the intervals specified by the manufacturer. Written records of servicing will be kept on site and made available to authorised persons on request.

Prevention of Public Nuisance

- Notices will be displayed requesting customers to leave quietly and respect the neighbours.

I understand that a person's excessive alcohol consumption may have a detrimental effect residents in the immediate neighbourhood. As such:-,

- Notices will be displayed informing customers it is illegal for my staff to sell alcohol to intoxicated people or for anyone to buy alcohol by proxy for those persons we consider to be intoxicated.
- Staff will be trained in refusal of the sale of alcohol to intoxicated customers. A record will be kept on the premises of all instances where the sale has been refused due to intoxication.

Protection of Children from Harm

- All staff will be trained in Challenge 25 and sign to say they understand their role. Legal notices will be displayed to warn minors ID checks are used at all times.
- A record of all incidents will be kept on site for inspection. Staff will undergo refresher training at 6 monthly intervals.

Environmental Health Representation – Withdrawn by Head of Public Protection

The representation from Environmental Health should be considered withdrawn following evidence of discussions with the applicant's legal representatives and Mr Hall.

Licensing Unit Manager to advise the members of the Licensing Hearing Sub Committee of this decision.

However, Environmental Health will be submitting comments to any forthcoming/submitted planning application. Furthermore, if members are minded to grant the licence, in the event of any future issues with noise from the venue, the Environmental Health team reserve the right to make a review application of the premises licence in respect of the above premises.

Police Conditions – Agreed with Applicant

Prevention of Crime and Disorder

- The premises will employ 2x SIA door supervisors from 10pm until premises close each Friday and Saturday and from 8pm until close each Sunday of a bank holiday weekend.
- The DPS/Licensee will conduct a dynamic risk assessment for any other key dates throughout the year such as the last Friday before Christmas day and, New Year's Eve and will employ door staff as required.
- A minimum of 2 x door staff will be employed at any one time.

Protection of Children from Harm

- The premises will adopt a challenge 25 age verification policy. Any patrons appearing to be under the of 25 will be required to produce proof that they are aged 18 or over.
The only acceptable forms of ID will be:-
 - Passport
 - UK driving licence
 - Any photographic ID bearing the holographic PASS logo
- Any patrons unable to produce age verification on request will be refused service.
- No persons under the age of 18 will be permitted in the premises unless accompanied by an adult responsible for the child's welfare.
- No persons under the age of 18 will be permitted on the premises after 8pm.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 10.30am and ended at 11.19am)