

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 31 March 2023

Present: Councillor S Walmsley (in the Chair)
Councillors G Marsden and G McGill

Also in attendance: J. Abady (Premises owner)
D. Langford (Applicant)
J. Miller (Premises employee)
PC P. Eccleston- GMP (Representor).
I Oldman- Bury Times (Press)

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 members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from M Bridge- Licensing Department, Bury Council.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held at 10.30am on the 2nd February 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.30am on the 2nd February 2023 be approved as a correct record.

4 OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE IN RESPECT OF A TEMPORARY EVENT NOTICE

The Licensing Officer presented a report relating to an objection notice being given to the Licensing Authority, by Greater Manchester Police pursuant to section 104(2) of the Licensing Act 2003, in respect of a proposed temporary event to be held at Club 66, 24 Silver Street, Bury, BL9 0DH between the hours of 04.00 to 05.00 hours on the 1st - 2nd April 2023.

The Temporary Event Notice had been given by Daniel Langford, 75 Tower Street, Heywood, OL10 3AD. The Temporary Event was to allow for an extension of the licence for the retail sale of alcohol, the provision of regulated entertainment and late night refreshment.

Greater Manchester Police, in their capacity as a Responsible Authority, would give their reasons for their representation in respect of the Temporary Event Notice where they are satisfied that the representation would undermine the Prevention of Crime and Disorder. Representation information was attached at Appendix 1 in the agenda packs and was received within the appropriate time period from GMP.

The TEN application form and a copy of the premises licence was also circulated to Members of the Panel prior to the hearing.

The Sub-Committee heard oral representations from the applicant Mr Langford, the Premises owner Mr Abady and an employee at the premises, Ms Miller.

The Sub-Committee then heard representations from Greater Manchester Police via PC Eccleston.

The Sub-Committee heard no other representations.

The Panel asked questions of the applicant and Premises owner, and the representative of Greater Manchester Police. All parties were offered the opportunity to question the applicant and representor and vice versa. All parties were allowed the opportunity to sum up their respective cases.

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

The Members of the Panel were advised by the Legal representative 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, (December 2022 – updated 12 January 2023)

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

The Sub-Committee considered the Licensing Act 2003, regulations made thereunder, the Secretary of State's Guidance, issued under section 182 of the 2003 Act, and the Council's own Licensing Policy. The Sub-Committee also considered the Temporary Event Notice, the written objections from Greater Manchester Police and the oral

representations from the Premises Licence Holder, the Designated Premises Supervisor, the employee of the premises and from GMP.

Having considered all of the evidence with care, it was established that, having understood the application and equally noting and understanding the representations and assurances made by the applicant and for the premises, the Sub-Committee found there were causes for concern so far as the promotion of the licensing objectives were concerned.

Contrasting accounts of incidents at the premises, many of a serious nature, had been presented. The Sub-Committee was deeply concerned by these incidents and that, on the evidence of GMP, as well as that of the Premises Licence Holder and DPS, conditions on the Premises Licence had not been adhered to, in particular those concerning the production of CCTV footage on request of GMP, and the terminal hour for entry to the premises. The Notice Giver had provided no explanation of how the Licensing Objectives would be promoted during the proposed Temporary Event and, considering the Temporary Event itself and the wider context set out in evidence, the Sub-Committee was not satisfied that the Licensing Objective, in particular the Prevention of Crime and Disorder, but also the Protection of Children from Harm, would not be imperilled if the Temporary Event were to proceed.

It was, therefore, agreed unanimously, that the Sub-Committee give a counter notice to the Temporary Event Notice giver pursuant to section 105(2)(b) of the Licensing Act 2003, the Local Authority considering this necessary for the promotion of the Licensing Objectives– (preventing the event from taking place).

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 10.30am and ended at 11.45am)