

## AGENDA FOR

## LICENSING HEARING SUB COMMITTEE



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**To: All Members of Licensing Hearing Sub Committee**

**Councillors :** S Walmsley (Chair), G Marsden and G McGill

Dear Member/Colleague

### **Licensing Hearing Sub Committee**

You are invited to attend a meeting of the Licensing Hearing Sub Committee which will be held as follows:-

<b>Date:</b>	Friday, 31 March 2023
<b>Place:</b>	Virtual meeting via Microsoft Teams
<b>Time:</b>	10.30 am
<b>Briefing Facilities:</b>	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.
<b>Notes:</b>	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 2535399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only.

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of the Licensing Hearing Sub Committee are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

### **3 MINUTES OF THE LAST MEETING** *(Pages 3 - 10)*

The Minutes of the last Licensing Hearing Sub Committee meeting held at 10.30am on the 2<sup>nd</sup> February 2023 are attached.

### **4 OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE IN RESPECT OF A TEMPORARY EVENT NOTICE** *(Pages 11 - 20)*

Report from the Executive Director (Operations) is attached:-

**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).

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**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 15<sup>th</sup> 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 15<sup>th</sup> 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)**

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<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	31 March 2023
<b>Title of report:</b>	<b>THIS REPORT RELATES TO AN OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE IN RESPECT OF A TEMPORARY EVENT NOTICE.</b>
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	<b>Council</b>
<b>Ward(s) to which report relates</b>	East

### **Executive Summary:**

This report relates 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 1-2 April 2023.

### **Recommendation(s)**

#### **That:**

- To give a counter notice to the Temporary Event Notice giver pursuant to section 105(2)(b) of the Licensing Act 2003, if the Local Authority considers it necessary for the promotion of the Licensing Objectives– (preventing the event from taking place).
- Not to give a counter notice and to provide the Police and the notice giver with a copy of the decision and reasons.

## **Key considerations**

### **1.0 INTRODUCTION**

- 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.

### **2.0 BACKGROUND**

- 2.1 The Temporary Event Notice has been given by Daniel Langford, 75 Tower Street, Heywood, OL10 3AD. The date of the event that the Temporary Event Notice covers is the 1-2 April 2023 to allow for an extension of the licence between the hours of 04.00 to 05.00 hours for the retail sale of alcohol, the provision of regulated entertainment and late night refreshment.
- 2.2 Greater Manchester Police have complied with all the necessary procedural requirements laid down by the Act.
- 2.3 Under the provisions of section 104(2) of the Act, where the chief officer of police is satisfied that allowing the premises to be used in accordance with the Temporary Event Notice would undermine the Crime Prevention Objective, he must give a notice stating the reasons why he is so satisfied.
- 2.4 Greater Manchester Police, in their capacity as a Responsible Authority, will 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 is attached at Appendix 1.

### **3.0 GUIDANCE TO LICENSING AUTHORITY**

- 3.1 The Secretary of State Guidance issued under section 182 of Licensing Act 2003 (December 2022 – updated 12 January 2023) states as follows:
  - 7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.
  - 7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice

to the premises user which includes a statement of conditions (a "notice (statement of conditions)") and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

#### **4.0 OBSERVATIONS**

4.1 After hearing the representation and 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.

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#### **Community impact/links with Community Strategy**

Not Applicable

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#### **Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.</i>	

**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

**Consultation:**

Not Applicable

**Legal Implications:**

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

**Financial Implications:**

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.

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**Report Author and Contact Details:**

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

Mr M Bridge  
Licensing Office  
Town Hall  
Bury  
Telephone No: 0161 253 5209  
Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

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**Background papers:**

Temporary Event Notice  
Police Objection Notice

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
EHA	Environmental Health Authority
Police	Greater Manchester Police
TEN	Temporary Event Notice

## Appendix One

Bury Metropolitan Borough Council

**The Licensing Act 2003****Responsible Authority Representation Form**

<b>Section 1 - Application Details</b>	
We object to the following Application:	
<b>CLUB 66</b>	
<b>24 SILVER STREET</b>	
<b>BURY</b>	
<b>BL9 0DH</b>	
Type of application.	
Temporary Event Notice	
Application Number (if known):	

<b>Section 2 – Responsible Authority’s Details</b>	
<b>Responsible Authority’s Details:</b>	
Please tick appropriate box:	
<input checked="" type="checkbox"/>	Police
<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection
<input type="checkbox"/>	Weights and Measures
<input type="checkbox"/>	Licensing Authority
<input type="checkbox"/>	Immigration
<input type="checkbox"/>	Public Health Department
Full name:	Peter Eccleston
Job Title:	Bury District Licensing Officer
Tele number:	07774219071 / 0161 856 2256
Email:	peter.eccleston@gmp.police.uk



Address:

Bury Police Station  
 Dunster Road  
 Bury  
 BL9 0RD

**Section 3 – Representations**

x	We object to the application being granted at all
	We object to the application being granted in its current form*

\*If you choose this option remember to tell us in section 3B what changes you would like to see.

You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

**Section 3A – The Objectives**

<b>To prevent crime and disorder</b>	<p>Please accept this as a formal representation from Greater Manchester Police with regards to the application there are very limited details in relation to what the event is or how the licensing objectives will be promoted. Furthermore, the applicant has requested the TEN be granted until 05:00hrs on the 1<sup>st</sup> and 2<sup>nd</sup> of April which considering this is a town centre premises and a very late hour with many of the customers suffering the effects of alcohol, there is a potential for crime and disorder which poses a public safety risk.</p> <p>GMP is aware of information relating to numerous breaches of their current premises license, which includes not providing CCTV to police when requested and within the allotted timescales. There have also been occasions when the premises has allowed the admission of patrons beyond their current operating schedule for which warning letters have been sent. As a result, preparations are being made to submit a review of the premises license.</p> <p>Given there is little to no information with regards to how they intend to promote the licensing objectives GMP believe that if the TEN is granted it will undermine the licensing objectives.</p>
<b>Public safety</b>	Please state your reasons:

To prevent public nuisance	<i>Please state your reasons:</i>
The protection of children from harm	GMP are aware of at least one occasion where the premises has allowed entry to a vulnerable 17year old female who was raped following leaving the premises.

**Section 3B – Suggestions/Further information**

Signed.....P. Eccleston..... dated 24/03/2023

N.B if you do make a representation, you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

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