

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 27 April 2023

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

M Bridge- Licensing
O. Osinuga (Legal Services)
B. Thomson (Public Protection)
M. Cunliffe (Democratic Services)

Also in attendance: L. Towers (Applicant)
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

No apologies for absence were submitted.

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 31st March 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.30am on the 31st March 2023 be approved as a correct record.

4 OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE OR ENVIRONMENTAL HEALTH 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 the Two Tubs, 19 The Wylde, Bury, BL9 0LA between the hours of 09.00 to 22.00 hours on the 24th June 2023.

The Temporary Event Notice has been given by Lolas Pub Company Limited for the retail sale of alcohol and 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 were they are satisfied that the representation would undermine the Prevention of Crime and Disorder. Representation was attached at appendix 1 in the agenda packs.

The TEN application form and a copy of the event management plan was also circulated to Members of the Panel prior to the hearing.

The Sub-Committee heard oral representations from the applicant Ms Towers.

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

The Sub-Committee heard no other representations.

The main issues of discussions were around the lack of information contained in the TEN application and unanswered issues concerning:-

- Prevention of proxy alcohol sales
- Prevention of unauthorised access due to low insecure fencing barriers
- No authorised use of public land
- No road closures in place to keep the public safe

The Panel asked questions of the applicant 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 Notice Giver, the Licensing Authority 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.

The Notice Giver had not provided sufficient detail or submissions and the Sub-Committee was not satisfied that the Licensing Objective, in particular the Prevention of Crime and Disorder and Public Safety would not be imperilled if the Temporary Event were to proceed.

The Sub-Committee were deeply concerned how to keep expected crowds out of the event venue with insecure low fencing. Keeping the general public safe could not be guaranteed with no road closures in place or the use of public land obtained. Prevention of proxy sales of alcohol were not explained. The Notice Giver had provided limited 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 Public Safety, 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).

The Sub-Committee chair added that the above decision was based on the submissions and information available at the time and encouraged the Notice Giver and GMP to work together in collaboration and seek a suitable solution for all parties concerned.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.00pm and ended at 2.03pm)