

**AGENDA FOR  
LICENSING HEARING SUB COMMITTEE**



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

**Councillors :** G McGill (Chair), J Grimshaw and G Marsden

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>                | Thursday, 27 April 2023  |
| <b>Place:</b>               | Virtual meeting via Microsoft Teams  |
| <b>Time:</b>                | 1.00 pm  |
| <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 - 6)***

The Minutes of the last Licensing Hearing Sub Committee meeting held at 10.30am on the 31st March 2023 are attached.

**4 OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE OR ENVIRONMENTAL HEALTH IN RESPECT OF A TEMPORARY EVENT NOTICE *(Pages 7 - 16)***

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

**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.

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**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 2<sup>nd</sup> February 2023 were attached to the agenda.

**Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.30am on the 2<sup>nd</sup> 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 1<sup>st</sup> - 2<sup>nd</sup> 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)**

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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>                   | 27 April 2023   |
| <b>Title of report:</b>                | <b>THIS REPORT RELATES TO AN OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE OR ENVIRONMENTAL HEALTH 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 the Two Tubs, 19 The Wylde, Bury, BL9 0LA between the hours of 09.00 to 22.00 hours on the 24 June 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 Lolas Pub Company Limited, The Two Tubs, 19 The Wylde, Bury, BL9 0LA. The date of the event that the Temporary Event Notice covers is the 24 June 2023 between the hours of 09.00 to 22.00 hours for the retail sale of alcohol and the provision of regulated entertainment and late night refreshment.
- 2.2 The 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 were they are satisfied that the representation would undermine the Prevention of Crime and Disorder. Representation is attached at appendix 1. Greater Manchester Police have also attached the even management plan and the application for the Temporary event.

### **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 evidence 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         |

**Bury Metropolitan Borough Council**

The Licensing Act 2003

**Responsible Authority Representation Form**

| <i>Section 1 - Application Details</i>   |  |
|--|--|
| <p><b>We object to the following Application:</b></p> <p><b>The Two Tubs</b></p> <p><b>19 The Wylde</b></p> <p><b>Bury</b></p> <p><b>BL9 0LA</b></p> |  |
| <p>Type of application.</p> <p>Temporary Event Notice</p>  |  |
| <p>Application Number (if known):</p>  |  |

| <i>Section 2 – Responsible Authority’s Details</i>  |                    |                                     |        |                          |                |                          |                    |                          |                   |
|---|--------------------|-------------------------------------|--------|--------------------------|----------------|--------------------------|--------------------|--------------------------|-------------------|
| <p><b>Responsible Authority’s Details:</b></p> <p>Please tick appropriate box:</p> <table border="1"> <tr> <td style="width: 50px; text-align: center;"><input checked="" type="checkbox"/></td> <td>Police</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Fire Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Planning Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Health and Safety</td> </tr> </table> |                    | <input checked="" type="checkbox"/> | Police | <input type="checkbox"/> | Fire Authority | <input type="checkbox"/> | Planning Authority | <input type="checkbox"/> | Health and Safety |
| <input checked="" type="checkbox"/>   | Police             |                                     |        |                          |                |                          |                    |                          |                   |
| <input type="checkbox"/>  | Fire Authority     |                                     |        |                          |                |                          |                    |                          |                   |
| <input type="checkbox"/>  | Planning Authority |                                     |        |                          |                |                          |                    |                          |                   |
| <input type="checkbox"/>  | Health and Safety  |                                     |        |                          |                |                          |                    |                          |                   |

|              |   |  |
|--------------|---|--|
|              | Environmental Health Service  |  |
|              | Child Protection  |  |
|              | Weights and Measures  |  |
|              | Licensing Authority   |  |
|              | Immigration   |  |
|              | 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:     | <p>Bury Police Station<br/>                 Dunster Road<br/>                 Bury<br/>                 BL9 0RD</p> |  |

| Section 3 – Representations   |   |
|---|---|
| x   | We object to the application being granted at all               |
|   | We object to the application being granted in its current form* |
| <p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</p>   |   |
| <p>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).</p> |   |

|  |   |
|--|---|
| <p>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.</p> |   |
| <p><b>Section 3A – The Objectives</b></p>  |   |
| <p>To prevent crime and disorder</p>   | <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 how the licensing objectives will be promoted.</p> <p>The premises have submitted a corresponding event management plan in relation to this event which can be found at <b>appendix A</b>, however the content lacks detail and has indicated that there's a risk of Anti-social behaviour between rival fans however they have not indicated;</p> <ol style="list-style-type: none"> <li>1. How many SIA/Stewards will be employed at the event.</li> <li>2. They have indicated the use of pedestrian barriers however Greater Manchester Police believe that this will not be sufficient to prevent opposing fans from entering the area or passing drinks over said barrier to anyone on the outside of the event which in all likelihood would lead to proxy sales.</li> <li>3. They have not indicated any contingencies with regards to how they intend to manage crowds with regards to fans awaiting entry to the premises / event.</li> </ol> |
| <p>Public safety</p>   | <p>The applicant clearly intends to hold this event on Local Authority controlled land however they have not sought the permission of the LA to use the area outlined in the notice.</p> <p>The planned activity will be taking place in a live highway and Greater Manchester Police are not aware of any road closure order's in place and therefore there is a likelihood that injury will be caused to attendees/pedestrians by moving traffic which poses a risk to public safety.</p>   |

|                                      |  |
|--------------------------------------|--|
|                                      |  |
| To prevent public nuisance           |  |
| The protection of children from harm |  |

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

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Signed.....P. Eccleston.....

dated 18/04/2023

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