

**AGENDA FOR  
LICENSING HEARING SUB COMMITTEE**



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

**Councillors:** G McGill (Chair), G Marsden and M Walsh

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>	Tuesday, 4 July 2023
<b>Place:</b>	Bury Town Hall
<b>Time:</b>	10.45 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>	<b>Please note this meeting will commence upon conclusion of the other Licensing Hearing Sub Committee which starts at 10.30am on the 4<sup>th</sup> July 2023.</b>

## **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 APPLICATION FOR A TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF CLUB 66. 24 SILVER STREET, BURY (Pages 3 - 12)**

A report from the Executive Director (Operations) is attached:-



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

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	4 July 2023
<b>Title of report:</b>	<b>APPLICATION FOR A TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF CLUB 66. 24 SILVER STREET, BURY</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 application for the transfer of a Premises Licence under section 42 of the Licensing Act 2003 in respect of Club 66. 24 Silver Street, Bury

### **Recommendation(s)**

#### **That:**

- To reject the application if it considers it is necessary for the promotion of the crime prevention objective to do so; or
- To Transfer the licence.

### **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 These premises licence is currently held by Club Sixty Six Limited.
- 2.2 On the 26 May 2023, the licensing office received an application to transfer the premises licence with immediate effect into the applicant's name of Club 66 D Limited.
- 2.3 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.4 As part of the statutory process the Chief Officer of Police is entitled to make a representation by way of a notice under section 42(6) of the Licensing Act 2003 in relation to the transfer of a premises licence where he is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.
- 2.5 Where such a representation is made and not withdrawn, members are required to determine whether the transfer application should be granted or not.
- 2.6 Members will recall that consideration was given to a review of the premises licence submitted by Greater Manchester Police on the 13 June 2023 and members resolved to revoke the premises licence and to remove the designated premises supervisor outlined in the report due to be considered today..

## **3.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

- 3.1 A notice under section 42(6) of the Licensing Act 2003 was lodged by Greater Manchester Police on 5 June 2023 allowing them to make representations. A copy of the representation is attached at Appendix 1.
- 3.2 The Police will shortly expand upon the reason(s) for their representation in relation to this application which they request the Panel to refuse.

## **4.0 OBSERVATIONS**

- 4.1 After hearing the representation made and the evidence presented, members are obliged to determine the application with a view to determining if there are exceptional circumstances that would mean granting the transfer application would undermine the crime prevention objective, having regard to the Authority's Licensing Policy and National Guidance.
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**Community impact/links with Community Strategy**

Not Applicable

**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

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**Legal Implications:**

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

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**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:**

List of Background Papers:-  
Application form  
Representation received

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

Term	Meaning

**Appendix One**

**Bury Metropolitan Borough Council**

The Licensing Act 2003

**Responsible Authority Representation Form**

<i>Section 1 - Application Details</i>	
<p>We object to the following Application:</p> <p><b>CLUB 66</b></p> <p><b>24 SILVER STREET</b></p> <p><b>BURY</b></p> <p><b>BL9 0DH</b></p>	
<p>Type of application.</p> <p>Transfer of premises license &amp; Change of DPS</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><input checked="" type="checkbox"/></td><td>Police</td></tr><tr><td><input type="checkbox"/></td><td>Fire Authority</td></tr></table>		<input checked="" type="checkbox"/>	Police	<input type="checkbox"/>	Fire Authority
<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:	
<p>Bury Police Station  Dunster Road  Bury  BL9 0RD</p>	

Section 3 – Representations	
<input checked="" type="checkbox"/>	We object to the application being granted at all
<input type="checkbox"/>	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>	



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**

**To prevent crime and disorder**

Please accept this as a formal representation from Greater Manchester Police with regards to the application to transfer the premises license from Club 66 to Club 66 d limited which was received on Friday 26<sup>th</sup> May 2023 and change of DPS from Daniel Langford to Vicky Bebbington which was received on Tuesday 30<sup>th</sup> May 2023.

Although the change of DPS was received on the 30<sup>th</sup> May 2023, Daniel Langford sent an email to Bury Council Licensing Team requesting immediate removal from his position as DPS for Club 66 on Thursday 25<sup>th</sup> May 2023.

GMP is aware that there has been at least one breach of the premises license since the application to transfer the premises license was received on 26<sup>th</sup> May 2023.

GMP has reviewed Bury Council CCTV footage from the early hours of Monday 29<sup>th</sup> May 2023 which clearly shows that the operating schedule was blatantly breached. There were at least six occasions whereby customers have been all allowed entry into the premises either via the front or side doors past the last entry time of 3am with the latest being 03:49hours. Further to this, there were eight occasions where customers were observed leaving the premises past the closing time of 4am with the last customer leaving at 04:24hours.

GMP has already submitted an application to review the premises license due to very similar circumstances. This has yet to be determined however this incident highlights further concerns in relation to the management of the premises which has yet again, undermined the premise license operating schedule, the licensing objectives and therefore poses a potential risk to public safety.

Public safety	Please state your reasons:
To prevent public nuisance	<i>Please state your reasons:</i>
The protection of children from harm	

<b>Section 3B – Suggestions/Further information</b>	

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

dated 05/06/2023

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

