

**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:-

Date:	Wednesday, 13 March 2024
Place:	Virtual meeting via Microsoft Teams
Time:	10.00 am
Notes:	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 MEETINGS *(Pages 3 - 18)*

The Minutes of the last Licensing Hearing Sub Committee meetings held at 10.00am on the 29th January 2024 and 10.00am on the 2nd February 2024 are attached.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF ROCK NEWS, 141 THE ROCK, BURY, BL9 0ND *(Pages 19 - 26)*

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

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 29th January 2024

Present: Councillor G McGill (in the Chair)
Councillors G Marsden and M Walsh

M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
O. Osinuga (Legal Services)

Also in attendance: Mr S Monks (Applicant)
Miss M Monks (Applicant)

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 press or public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B Thomson- Head of Public Protection. No representors were in attendance.

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 12th January 2024 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.30am on the 12th January 2024 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF THE HIDEOUT GASTRO BAR LIMITED, 2 SHERBOURNE STREET, PRESTWICH, M25 3HB

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Hideout Gastro Bar Limited, 2 Sherbourne Street, Prestwich, M25 3HB.

The applicant for the licence is the Hideout Gastro Bar Limited, 2 Sherbourne Street, Prestwich, M25 3BB and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Gregory Ryan Motler, 61 Pall Mall, 18 Church Street, Manchester, M4 1PN

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

The Licensing Unit Manager presented the 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 which was attached at Appendix 1 in the agenda packs.

Since the submission of the application for a premises licence by the applicant, the hours of operation have been amended due to the applicant being contacted by Greater Manchester Police. Mediation took place and the applicant had agreed to the following hours:

Opening Times:

Monday to Thursday – 11:00 till 23:30

Friday and Saturday – 11:00 till 00:30

Sunday – 12:00 till 23:30

Supply of Alcohol (on the premises only):

Monday to Thursday – 11:00 till 23:00

Friday and Saturday – 11:00 till 00:00

Sunday – 12:00 till 23:00

The conditions contained in the operating schedule submitted by the applicant were contained at Appendix 2 in the agenda packs.

Two relevant representations from an interested parties had been made against this application. A summary of this is detailed below:-

- Fighting / Anti-Social Behaviour
- Noise/Loud Music
- Taxis
- Increase in licensed premises
- Residential area
- Patrons leaving
- Other venues in close proximity

The part redacted representations were attached at Appendix 3 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 application 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 was asked to determine what steps, as set out above, are appropriate for the promotion of the licensing objectives.

Mr Monks addressed the sub committee and told Members they were looking to put guidance in place to control noise levels and door staff could be employed at busy

times on a Friday and Saturday to help control protocols. A CCTV system would cover the inside of the premises and externally it would monitor both the rear and side of the location. Sound proofing would also be installed on the wall that adjoined the neighbouring property which was a barber's shop although that premises also had a flat.

Miss Monks addressed the sub committee and added that notices would be placed in the bar advising customers who wished to exit the premises for a cigarette that a smoking and vaping area was located on Bury New Road. She informed Members they were local residents of Prestwich and wanted to sustain a good community in the area. Spots checks could be undertaken to make sure protocols were adhered to and noise levels were under control. Initial enquires had been undertaken with the police in relation to having a direct panic alarm installed at the premises.

Mr Monks advised that the customer base aimed to be people in their late 20's upwards and would have to meet a dress code in place with no drink offers planned and the challenge 25 scheme implemented. In relation to the objections received he commented that there were a number of similar bars in the area surrounded by residential properties and these even had an outdoor space which would create more noise.

Miss Monks confirmed that late night opening would only be required for special one-off events and a Temporary Event Notice could be applied for occasions such as Parklife, Prestwich Pride and New Years Eve if the business chose to operate then. In relation to the noise objections received, she added that vehicles such as taxis would not use the side street and there were parking bays on the main road to accommodate them. Miss Monks clarified the commercial waste collection times from the premises and the venue would be considerate when managing glass waste to reduce excessive sound levels from the transfer into bottle bins.

The Licensing Unit Manager questioned that door staff were not included as a condition in the operating schedule and Mr Monks stated that they would be happy to implement that condition at peak weekend times if required.

The Licensing Unit Manager enquired about employing only one door staff supervisor and the applicants explained that they would monitor this if required and employ another person on the door only if needed. As a new business, additional costs would need to be considered if door staff and panic alarms were needed.

The Licensing Unit Manager asked if a free phone taxi telephone would be available and Mr Monks would be happy to implement this if required by conditions. Miss Monks commented that there was a taxi office and rank across the road to the venue and it was felt most people would use their mobile phone or app-based software to order a taxi.

The Licensing Unit Manager clarified that drinks would not be taken outside to the smoking area.

Councillor Walsh asked where the glass bins would be located and Mr Monks advised that there was a back yard area with high walls and every care would be taken to minimise noise levels.

The Licensing Unit Manager commented on the CCTV listed in the operating schedule and Mr Monks advised that around 8 cameras would be in operation both internally and externally. The applicants were happy to work alongside the council, police and local residents to prevent crime and minimise any noise. They are a family run business and wanted to be part of the community and be a venue that people feel safe at.

The Licensing Unit Manager reminded Members that there is a review process that can be triggered if the licensing objectives are not met to address any concerns from different organisations and the general public.

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 December 2022.

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 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 in the terms requested**, subject to the following conditions:-

Operating Schedule

The Prevention of Crime & Disorder

- The premises will operate an effective CCTV system which will be maintained in good working order at all times the premises is open for business. The type of

system (YI 1080p) has motion detection and two cameras, which the positioning of is to be agreed in liaison with the police.

- The location of cameras will be recorded on the plan attached to the licence. The recording medium (e.g. discs / tapes / hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / Authorised Officers of the Licensing Authority upon request.
- The premises licence holder is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.
- The premises licence holder must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
- Staff training shall take place on the Licensing Act and Licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.

Public Safety

- The bar/restaurant will be fitted carbon monoxide and smoke detectors. there are no steps or other hazards. signposting of possible hazards
- Customers will be prevented from leaving the premises with glasses or open bottles. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
- Only plastic glasses / plastic bottles/ toughened glass will be used in the outside areas.

The Prevention of Public nuisance

- Prominent, clear and legible notices will be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
- We will ensure that music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff will carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.

- All external doors and windows will be kept closed when music is being played
- The outside area will not to be used for licensable activities or for the consumption of alcohol after 22.00 hours daily.

Protection of Children from Harm

- The premises will operate a “Challenge 25” proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 will be asked to produce for thorough scrutiny by staff, proof of identity/age before being sold / supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official ‘PASS’ accreditation hologram will be accepted as proof of age.
- The premises will maintain a refusals book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book will be made available to the police / authorised officers of the Licensing Authority on request.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 10.00am and ended at 10.55am)

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- Minutes of:** LICENSING HEARING SUB COMMITTEE
- Date of Meeting:** 2 February 2024
- Present:** Councillor G McGill (in the Chair)
Councillors G Marsden and M Walsh
- Also in attendance:** M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
O. Osinuga (Legal Services)
- PC P. Eccleston (Greater Manchester Police)
A. Johnson (Premises Licence Holder)
R. Cathcart (Public)
- 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. 1 member of the public was in virtual attendance.
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1 APOLOGIES FOR ABSENCE

Apologies were submitted by B. Thomson, (Head of Public Protection).

2 DECLARATIONS OF INTEREST

There were no declarations of interest submitted although 2 Members of the Committee placed on record that they were Councillors in the Radcliffe area. Only one of them had visited the premises but that visit was not recent.

3 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF OVERDRAUGHT, 28/30 BLACKBURN STREET, RADCLIFFE, M26 1NQ

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licensed premises the Overdraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ. This was for a Summary Review of the Premises Licence and for interim steps to be taken in advance of that review in accordance with Sections 53A to 53C of the Licensing Act. The reason for the application was because the police believe that the premises are associated with serious crime and/or disorder.

The nature of the application and consideration of options was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Manager, Mr M. Bridge.

The options available were:

- To modify the conditions of the licence
- To exclude the retail sale of alcohol from the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding 3 months.
- To revoke the licence.

Following the review under section 53C, Members of the Licensing Hearings Sub-Committee must review the interim steps that are currently in place and determine whether it is

appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

Attention was drawn to background papers which included:-

Current Premises Licence

Section 53A application, Certificate and supporting evidence

Licensing Hearing Sub Committee Minutes (Interim steps hearing) 12th January 2024

On the 10th January 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Overdraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ, because they believed that the premises was associated with Serious Crime and/or Disorder.

Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast-track licence review.

A 10 working-day public consultation exercise had been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.

Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives

On the 12th January 2024, a Licensing Hearings Sub Committee interim steps hearing was held, following receipt of the Summary Review application from Greater Manchester Police, Members of the Licensing and Safety Panel considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives.

The Panel resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that it must modify the conditions of the licence. The reasons for the Sub-Committee's decision are attached at appendix one.

The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

The premises licence holder had not made representations against the interim steps taken by the licensing authority.

Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application

Following the review under section 53C, the licensing authority must then review any interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

The premises licence in respect of the Overdraught has been held by Mr Alistair

Scott Johnson since the 4th April 2011. Mr Johnson is the Designated Premises Supervisor since the 4th April 2011.

The Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) is the relevant legislation.

The Panel will make a decision on the day of the hearing and the parties will be notified of that decision and the reasons for it.

The Chief Superintendent had issued a certificate under section 53A (1)(b) of the Licensing Act 2003 in which he stated the following:-

The premises are associated with serious crime and serious disorder.

Attached to the agenda packs at Appendix 2 was the Application by Greater Manchester Police for the Summary Review. Appendix 3 was the Certificate issued by the Chief Superintendent respectively.

Greater Manchester Police had supplied CCTV footage of the incident. This had been circulated to the Members of the Committee and the Premises Licence Holder prior to the hearing for viewing purposes.

As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of this review by placing a Notice on the premises, at the Council Offices and on the Council website. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them. The Greater Manchester Police will give evidence at the hearing.

Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

- a. The prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

The Licensing Service have received from the Premises Licence Holder Mr Johnson the following documentation: -

- Emergency First Aid Certificate
- Invoice for the SIA Door Supervision Training booked for 5 February 2024

These were attached as Appendices 5 and 6 in the agenda pack.

The Premises Licence attached to the agenda pack at Appendix 4, showed the current licensable activities and conditions.

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.

The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, any relevant representations, and review the interim steps already taken.

The Sub-Committee is asked to review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

PC P. Eccleston from Greater Manchester Police provided a summary of the application for a review at the meeting.

At 00:16 hours on Saturday 6th January 2024, Greater Manchester Police received a report of a stabbing at Overdraught, 28-30 Blackburn Street, Radcliffe.

Witness statements have been obtained and the premises CCTV footage has been reviewed. The circumstances of this incident are at approximately 23:45 hours, two male perpetrators have entered the above licensed premises. Police are not aware of any incidents occurring inside however upon exiting, approximately 10 minutes later, a conversation has taken place between the perpetrators and other customers. At present, the content of those conversations are unknown however a fight has ensued near to the main entrance/exit.

Witnesses to the incident report seeing a 2inch blade being used by one off the perpetrators and two other customers who were victim to the attack received some serious injuries which included:

Victim 1: 2cm laceration to the left side of his face, close to the eye socket and a 6cm laceration to his left arm, just below the elbow. Swollen right elbow.

Victim 2: 2cm laceration to the back of the head, close to the base of the skull.

Both victims required hospital treatment, one of which fell unconscious and unresponsive later in the morning.

No door supervision were on duty at the time of this incident and although the premises license does not require the employment of door supervisors on a weekly basis, it is my opinion that this incident may have been avoided had they been employed. For that reason, it is my opinion that an expedited review of the premises is necessary to allow the licensing authority to review/amend the license conditions and prevent a reoccurrence of such serious crime and disorder in the future.

CCTV footage from the premises which had been previously shared with the Committee was played to those in attendance with PC Eccleston highlighting key points of interest from the clip. There was no audio with the footage which made it harder to understand what may have started the incident.

The opinion of GMP was that if door staff had been present then the incident was likely to have not occurred or may have been prevented with the searching of patrons as they entered the premises. The venue traded like a nightclub and if this was in Bury Town centre, door staff would be required as part of the licence. The location was in isolation and away from regular police patrols.

PC P. Eccleston presented to the hearing what conditions they would like to be placed on the licence such as door staff, searches, prevention of loitering, challenge 25 scheme, incident logs, last entry and door closures by a set time.

The premises licence holder, Mr A. Johnson showed to the hearing via his camera, a metal detector body scanner which had been purchased to aid with any searches required.

Members questioned PC Eccleston on the incident and what measure could help prevent a repeat. Clarification was also sought on the term loitering and the law in relation to carrying a bladed article in public.

GMP were of the opinion that door staff could have found the knife upon searches whilst the offenders entered and it could have been seized with the individuals refused entry. It would also act as a visual deterrent for anyone carrying a weapon helping to prevent such incidents.

Upon questioning by the Chair, PC Eccleston confirmed there was no previous history of incidents at the premises in the last 5 years apart from one assault on Mr Johnson who he considered to be a good licence holder. There had been no issues obtaining the CCTV and Mr Johnson had fully cooperated with GMP on the night and since the incident.

Mr Johnson explained that he felt door staff were not necessary and reminded Members that himself and a friend were booked on a course between the 5th-10th February to become SIA registered and further educate themselves on customer safety. He normally closed his doors at 11.30pm as he didn't want drunk customers with little money entering the premises after that time. Around 70% of his customers were regulars and body searches upon entering may be off putting for new and existing customers.

Mr R. Cathcart who was a former Councillor, was in attendance at the meeting and provided a supporting statement on behalf of Mr Johnson.

As part of the summing up process a discussion took place on possible amendments to the licence conditions.

The Sub-Committee then duly retired to consider the matter and all of the information provided.

The Members of the Sub-Committee were advised by the Legal Adviser 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:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to relevant provisions of national guidance and the Council's licensing policy statement.

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented at the meeting.

DELEGATED DECISION

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and disorder. It was therefore unanimously **resolved to modify the conditions of the licence** in order to promote the licensing objectives.

The Sub-Committee also reviewed the interim steps and unanimously **resolved to withdraw the interim steps in place due to these being included as new conditions on the licence.**

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean modifications were necessary for some amendments to the current premises licence under the licensing objectives recommended by GMP, these were as follows:-

Prevention of Crime and Disorder:-

- 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:
 - a- all crimes reported to the venue, or by the venue to the police
 - b- all ejections of patrons
 - c- any incidents of disorder
 - d- any faults in the CCTV system
 - e- any visit by a relevant authority or emergency service
- All licensable activity is to cease half an hour prior to closure to allow drinking up time and the safe dispersal of patrons.

Prevention of Public Nuisance:-

- Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.
- Those patrons who wish to smoke or vape would be directed to the beer garden at the rear of the premises.

Protection of Children from Harm:-

- The premises will operate a "Challenge 25" proof of age policy and signage to this is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.

An advisory issued by the Committee, included:-

- The quality of images from the external CCTV could be improved and an additional camera may be required or the existing CCTV re-positioned.

The evidence presented at the meeting had demonstrated the following licensing objectives had not been met and failed the:-

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance

The reasons by the sub-committee, included:-

- The serious nature of the incident.

- The new measures would help prevent any similar incidents in the future.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 10.00am and ended at 12.10pm)

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	Classification Open / Closed	Item No.
Meeting:	Licensing Hearings Sub-Committee	
Meeting date:	13 March 2024	
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Rock News, 141 The Rock, Bury, BL9 0ND	
Report by:	Executive Director (Operations)	
Decision Type:	Council	
Ward(s) to which report relates	East	

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Rock News, 141 The Rock, Bury, BL9 0ND.

Recommendation(s)

- 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

1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are 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.

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2.0 INTRODUCTION

- 2.1 The applicant for the licence is The Rock News Limited, 141 The Rock, Bury, BL9 0ND and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Ishfaq Hussain, 121 Ormerod Street, Accrington, BB5 0QQ.
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 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.
- 2.4 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

3.0 THE APPLICATION

- 3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

Since the submission of the application for a premises licence by the applicant, the hours of operation have been amended due to the applicant being contacted by Greater Manchester Police. Mediation took place and the applicant has agreed to the following hours:

Opening Times:

Monday to Saturday	11:00 till 23.00
Sunday	12:00 till 21:00

Supply of Alcohol (off the premises only):

Monday to Saturday	11:00 till 23.00
Sunday	12:00 till 21:00

The conditions contained in the operating schedule submitted by the applicant are contained at Appendix 1.

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4.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

4.1 The Licensing Authority in its capacity as a Responsible Authorities have made representations been made against this application. The Licensing Authority will make their representations at the hearing.

4.2 This representation is attached at Appendix 2.

5.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

5.1 Trading Standards Service in its capacity as a Responsible Authorities have made representations been made against this application. The trading Standards Service will make their representations at the hearing.

5.2 This representation is attached at Appendix 3.

6.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

6.1 Greater Manchester Police in its capacity as a Responsible Authorities have made representations been made against this application. Greater Manchester Police will make their representations at the hearing.

6.2 This representation is attached at Appendix 4.

7.0 OBSERVATIONS

7.1 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.

8.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

8.1 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.

8.2 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

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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.

8.3 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.

9.0 CONCLUSION

9.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

9.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.

9.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.

9.4 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

9.5 All licensing determinations should be considered on the individual merits of the application.

9.6 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.

9.7 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.

9.8 The Sub-Committee is asked to determine what steps, as set out in 8.4 above, are appropriate for the promotion of the licensing objectives.

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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.

Equality Analysis	<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:

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

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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.

Report Author and Contact Details:

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

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Licensing Office
Town Hall
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

Background papers:

List of Background Papers:-
Application form
Representations received

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

Term	Meaning

Appendix 1

Operating Schedule submitted by the applicant

The Licensee, that is the person in whose name the premises license is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the license and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

The prevention of crime and disorder

Any incidents that may occur on the premises will be reported to the police.

The licensee will install CCTV which will be operated and maintained on the premises.

The CCTV will cover the entrance and exits from the inside and out, clear images of person or persons entering premises to clearly identify, till area frames visible at least half of screen, being capable of confirming the crime being committed, wide angle cameras so covering the full shop floor, recording device will be stored onsite in secure area or locked cabinet, have a monitor to review images, keep all digital images for 31 days, give access to police at any reasonable time, the cctv must have a suitable export method ie cd/dvd recorder to give police a copy for evidence and also in same format so no quality of image is lost.

Public Safety

Appropriate fire procedures will be in place including fire extinguishers (foam, h2O and cO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors (see enclosed plan for details of locations) all appliances will be checked annually.

Prevention of Public Nuisance

Customers will be asked to leave quietly in case of any public nuisance clear notices will be displayed to remind customers we do not tolerate any rude behaviour or any kind of abuse to customers or a member of staff and will be asked to leave quietly or police will be called.

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Protection of Children from Harm

The licensee and staff will have a strict policy of people who appear to be under the age of 25 for photographic id such as proof of age card, citizen cards, photographic license or passport, official identity card issued by HM forces or EU country, with their full name and date of birth.

All staff will be trained for underage sales prevention regularly.

A register for refused sales shall be kept and maintained on the premises.