

**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 D Quinn

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, 29 January 2025
Place:	Virtual meeting via Microsoft Teams
Time:	1.00 pm
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 MEETING *(Pages 3 - 12)*

The Minutes of the last Licensing Hearing Sub Committee meeting held at 10.00am on Wednesday the 18th December 2024 are attached.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF CHESTERS, 62 BRIDGE STREET, RAMSBOTTOM, BL0 9AG *(Pages 13 - 28)*

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

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 18th December 2024

Present: Councillor G McGill (in the Chair)
Councillors G Marsden and D Quinn

M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
P. Llewellyn (Democratic Services)
R. Thorpe (Legal Services)

Also in attendance: Councillor E O'Brien
Councillor D Green
Mr V Mandadapu (Applicant)
Mr T Clarke (Applicant's Representative)
PC P. Eccleston (Greater Manchester Police)
L Buggie (Public Health)

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 other members of the public or press were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor I. Rizvi, C. Smith (Head of Public Protection) and B. Thomson (Assistant Director of Operations Strategy).

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 10.00am on the 25th November 2024 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.00am on the 25th November 2024 be approved as a correct record.

4 APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF VILLAGE NEWS, 477 BURY NEW ROAD, PRESTWICH, M25 1AD

The Licensing Authority received an application for a variation of the Premises Licence to be granted under the Licensing Act 2003 in respect of Village News, 477 Bury New Road, Prestwich, M25 1AD.

The applicant for the licence is Venu Mandadapu, 40 Alfa Way, Great Sankey, Warrington, Cheshire, WA5 3YY and he is also the proposed Designated Premises Supervisor (DPS).

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 variation of a Premises Licence under Part 3 of the Licensing Act 2003.

Opening Times:

Monday to Sunday – 00:01 till 00:00 (24 hours)

Supply of Alcohol (off the premises only):

Monday to Sunday– 00:01 till 00:00 (24 hours)

Alcohol sold from 23.00 to 06.00 will be via a night hatch with no access to inside the premises.

The conditions contained in the operating schedule submitted by the applicant were contained at Appendix 1 in the agenda packs.

The Public Health Service and Greater Manchester Police in their capacity as a Responsible Authority had made representations against this application. They would both make those representations at the hearing. The representations were attached at Appendix 2 in the agenda packs.

Two representations had been received from interested parties in respect of this application. These 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 variation in the terms requested
- To grant the variation subject to amendments
- 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.

The Licensing Unit Manager provided clarification that a petition submitted by the business with signatures of 80 customers supporting the variation had been circulated to the Sub Committee Members on the 12th December.

Mr Tony Clarke addressed the Committee acting as the agent on behalf of the applicant, Mr Mandadapu who had been a UK resident since 2013. He had held a personal licence since 2022 and was experienced working in an off licence for the past 5 years. Two other staff worked at the premises although the applicant would be the one working after 11.00pm and if he was not available another personal licence holder would cover. Staff were fully trained using the refusals policy to not undermine the licensing objectives and a night hatch could be fitted to protect employees. There were no reports of crime and disorder associated with the premises nor had there been any visits by the responsible authorities. This was a respectable retailer requesting an extension of hours which over 80 customers had supported via the petition as there was no other shop nearby and alcohol plus other goods would be available to purchase.

Mr Clarke added that he had tried to contact PC Peter Eccleston on the 2nd December but had received no reply. This was in relation to agreement of a reduced closing time of 2.00am to balance out any public safety concerns for the area. The Public Health Team had suggested a midnight closure but it was not worth it for the applicant to spend money on the installation of a night hatch for one extra hour of trade. They would like the 24 hours to be granted but could reduce to 2.00am.

Mr Clarke commented it was a small store in a mixed area with no evidence of disorder or public nuisance. He referred to the data matrix used for the Prestwich area and this actually covered close to 3 square miles so the store appeared as a high rating in a problem area. There were no crime figures available from 2019 to analyse this data and was unsure how the licensing objectives could be undermined with the suggested condition supplied in the agenda pack.

PC P Eccleston reported that he had been off work with illness at the start of the month and that was the reason no communications had taken place with Mr Clarke.

The Chair referred to the petition and asked about any verification process taking place and Mr Clarke stated it was done in good faith without ID and the customers were happy for their data to be shared.

Lee Buggie, a Public Health Specialist referred to data in relation to prevent crime and disorder. There would be a percentage of the 1486 population within this Lower Super Output Area (LSOA) that would be directly impacted by 24-hour alcohol sales along with an already high saturation of premises already selling alcohol with a total of 43 sites. The LSOA ranks 2 in terms of crime decile (*1 being the most deprived score, 10 being the least deprived decile*) however it also has negative markers for Total Index of multiple deprivation (IMD) along with income deprivation effecting older people and a low rating against employment. The LSOA is ranked 10/120 LSOA's for alcohol related crime (per 1000 of the population), Its rated 41/120 for alcohol related domestic crimes and its ranked 3/120 for all antisocial behaviour crimes. The LSOA ranks 1 for the highest level of alcohol rated crime/alcohol related domestic abuse and ASB crime as a total.

Data in relation to public safety was provided that the LSOA ranks 60/120 for A&E attendances however it ranks high with 11/120 for alcohol related admissions, the total figure shows the LSOA ranks 1 for combined A&E attendances and alcohol related admissions. 24-hour drinking will only exacerbate this trend or potentially give communities the opportunity to drink for longer periods. The LSOA ranks 17/120 for those receiving alcohol addiction and its ranked 1st out of 120 for highest numbers in treatment

To prevent public nuisance, there are already 43 licensed premises in this Lower Super Output Area along with 3 gambling premises, these are significant counts compared to some other LSOA's and could lead to further addictions. The IMD Decile score for this location is 3 (1 being the most deprived and 10 being the least deprived decile), Crime is also ranked lower a 2.

Reporting on the data to protect children from harm, income deprivation was affecting children at a score 5/10, Public Health believe more money spent on alcohol given extended opening times will negatively impact on the lives of young people with care givers having greater access to alcohol sales.

Mr Clarke questioned the data being used to tell the public do what we say and that customers had requested the longer hours and were not overly concerned with health problems. Mr Buggie reported that male liver disease and hospital admissions were high for the area hence why representations had been made and he was more comfortable with a midnight closing time than 24-hour access.

The Licensing Unit Manager clarified that need is not a consideration for the committee when deciding the application.

Councillor Eamonn O'Brien made a representation to the Sub Committee as a local ward Member and reported that parts of the Prestwich area including the town centre had ASB problems. Crime and Disorder was concentrated to an area driven by alcohol sales and a tight licensing scheme in the town centre was that most pubs, bars and restaurants closed around midnight which provided a good balance for the community. A concern for residents was that a 24-hour licence would be a magnet to stay in the area when other venues had closed to continue consuming alcohol. He made reference that the large Tesco store only sold alcohol until 1.00am and commented that this was a good store and he didn't want it to attract people

at later hours who would have likely gone home. The town centre was a residential area with regeneration plans in place and suggested a shorter extension was more reasonable for all parties concerned.

Mr Clarke referenced the Shell Garage had a 24-hour licence with a night hatch and Councillor O'Brien responded that that was not within the town centre area and located at a busy motorway junction within a petrol station, which was in their nature to be open 24 hours.

PC P Eccleston presented representations on behalf of Greater Manchester Police and reported Prestwich village centre is becoming an increasingly popular destination for people who are not just local to Prestwich, but those who live further afield who wish to sample the array of licensed premises and restaurants. With this increase in popularity brings its challenges and problems with an increase in alcohol related violent crime and other anti-social behaviour related incidents.

With the majority of premises closing between midnight and 2.00am on the weekends, (earlier during the week) there is a high volume of footfall in the early hours of the morning. For those who haven't finished drinking and not moved onto other venues in Manchester City Centre or Bury Town Centre where premises are open even later, the concerns of GMP, is that instead of calling it a night and going home, members of the public will have greater access to alcohol after hours and is likely to lead to on street drinking.

This is likely to lead to further alcohol fuelled anti-social behaviour and violent crime, which is only likely to be more severe with the discarding of empty containers such as glass bottles which in turn increases the availability of potential weapons which wouldn't have been there previously.

Having considered the application and the proposed steps provided in the application, Greater Manchester Police have severe concerns that granting of the license as per the proposals poses a real risk to public safety. The premises was managed well and there had been no complaints with the current licence.

Mr Clarke asked would GMP accept a 2.00am closing time and PC P Eccleston stated this was better than 24 hour opening but there was still a question on increase levels of crime and ASB. He also questioned that if a hatch was required to protect staff, what does that say about the local area and the type of customers that would be attracted to the store at those times. Mr Clarke added some Councils prefer a night hatch but if they would be happy to comply without the condition. PC P Eccleston suggested if the hours were reduced then a magnetic door look was a different option and the counter could be moved to the front of the building. He stated it was harder to check ID through a glass window than over a counter.

Councillor Debra Green made a representation to the Sub Committee as a local ward Member and in the context of the Prevention of Crime and Disorder commented that the shop is very close to a large social housing complex. There is a history on this estate of antisocial behaviour, including drug sales/abuse along with public drunkenness and theft from cars and property which had been linked to the purchase and use of alcohol and drugs. There had also been the death of a young lady living there which was linked to drink and drug use at the inquest.

Having the ability to buy alcohol during the night may contribute to theft from properties, cars, and potential cases of mugging including stabbing incidents. There was also the concern that the shop itself would be targeted for robbery and the staff threatened and abused.

Mentioning public Safety/prevention of public nuisance, the housing estate has several vulnerable clients residing there and they would be at risk from people wanting to be close to a

24-hour supply of alcohol. It may also lead to an increase in drink and drug driving as purchasers from other areas come to buy alcohol. Malicious damage of property and vandalism have been problems in this area of Prestwich. Adding the ability to purchase alcohol throughout the night will more than likely lead to an increase, thus putting pressure on police and council services.

This was an ill-advised application that had a high probability of causing major harm to an area looking to attract high value businesses to. The regeneration plans have been widely welcomed, and residents are looking forward to a better Prestwich and it was felt this application in its current form serves to diminish that.

Councillor Green added that whilst there are no crime statistics online via GMP, she had attended PACT meetings held at Sedgley Park and were provided with up-to-date crime figures. She thought midnight would be a sufficient time to end alcohol sales at the store.

In summing up, Lee Buggie based his public health representations on the intelligence data provided for the area. PC P Eccleston provided GMP representations that in his 2 years in his role as a Licensing Officer, from experience these 24-hour licences are linked to alcohol related incidents which are a danger to public safety.

Mr Clarke in his summing up accepted the information provided by public health and GMP and would be willing to accept a 2.00am closure time. The store would rather not have a night hatch condition and could discuss changing the store plans and resubmit these with a move of the counter. He repeated that there was no direct evidence to suggest this shop was responsible for any crime and disorder in the past or the future. The applicant understood the responsibility of the licensing objectives and local people had requested this.

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 the relevant provisions of the 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 together with relevant representations presented by all parties.

Delegated decision

All the evidence was considered with care, and it was established that having understood the application and equally noting and understanding all the representations, the Sub-Committee found there were some causes for concern so far as the promotion of the licensing objectives were concerned. The Sub-Committee could not support a 24-hour licence and discussions between all parties during the hearing had provided informal acceptance that other timescales were more appropriate.

It was therefore agreed unanimously that the Sub- Committee **Grant the variation subject to the following amendments.**

The operating schedule will change from its existing opening times of
06:00hrs – 23:00hrs, 7 days a week to
06:00hrs – 1:00hrs, 7 days a week

The supply of alcohol will change from its existing times of
07:00hrs – 23:00hrs 7 days a week to
07:00hrs – 1:00hrs 7 days a week.

A magnetic door lock system will be installed at the front of the premises, whereby all customers shall only be served via a magnetic door between the hours of 23.00 and 01.00 every day. The premises will remain closed during these hours until such time that a magnetic door lock system has been installed and was operational.

The Sub-Committee felt the amended hours were more in keeping with the other licenced premises in the surrounding area was therefore satisfied that on the balance of probability there was sufficient evidence presented that had demonstrated some of the following licensing objectives would not be met if the store was open 24 hours a day and would fail the:-

- the prevention of crime and disorder
- public safety

The reasons by the sub-committee, included:-

- Data evidence from GMP PACT meetings of a clear link and increase in crime and disorder linked to alcohol sales.
- Evidence from Public Health of alcohol related health problems in the area.
- Vulnerable people living nearby on the social housing estate, some of whom will have drug and alcohol addiction.

The evidence presented and supporting documents were deemed sufficient evidence to make amendments to the variation of the licence. Details on the right for an appeal were provided to the applicant.

The above was also subject to the below operating schedule submitted by the applicant.

Prevention of crime and disorder

- The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The recording medium (e.g., disks / 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 or designated premises supervisor is to provide the police with the contact details of at least one other member of staff (or other person(s)) who is 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 / Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown as soon as is reasonably practicable and in any event within 24 hours. In the case of a breakdown or malfunction the premises licence holder / designated

premises supervisor shall make sure that the CCTV is in working order as soon as practicable.

- A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
- Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
- An incident book/register shall be maintained to record:
 - All incidents of crime and disorder occurring at the premises.
 - Details of occasions when the police are called to the premises.

This book/register shall be made available for inspection by a police officer or other authorised officer on request.

- No alcoholic drink shall be removed from the premises in an unsealed container.

Public safety

- Alcohol may only be sold in sealed containers.
- Alcohol may not be sold to any person who appears to be intoxicated.

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.
- No refuse shall be disposed of or collected from the premises between the hours of 2300 - 0700 where such disposal or collection is likely to cause disturbance to residents.
- Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

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 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.
- The premises is to maintain a refusals / incident 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 and record the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.

Prevention of Crime and Disorder

- A magnetic door lock system will be installed at the front of the premises, whereby all customers shall only be served via a magnetic door between the hours of 23.00 and 01.00 every day. The premises will remain closed during these hours until such time that a magnetic door lock system has been installed and was operational.

COUNCILLOR G MCGILL

Chair

(Note: The meeting started at 10.00am and ended at 11.58am)

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	Classification Open / Closed	Item No.
Meeting:	Licensing Hearings Sub-Committee	
Meeting date:	29 January 2025	
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Chesters, 62 Bridge Street, Ramsbottom, BL0 9AG	
Report by:	Executive Director (Operations)	
Decision Type:	Council	
Ward(s) to which report relates	Ramsbottom	

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Chesters, 62 Bridge Street, Ramsbottom, BL0 9AG.

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.

2.0 INTRODUCTION

- 2.1 The applicant for the licence is Mr Saad Bashir, 85 Cedar Street, Blackburn, BB1 9TQ.
- 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:

Opening Times:

Sunday to Thursday	14.00 to 01.00
Friday Saturday	14.00 to 02.30

Provision of Late Night Refreshment (Indoors):

Sunday to Thursday	23.00 to 01.00
Friday Saturday	23.00 to 02.30

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

4.0 REPRESENTATIONS FROM INTERESTED PARTIES

- 4.1 Three representations have been received from Interested Parties; they will make their representations at the hearing.
- 4.2 These representations are attached at Appendix 2.

4.3 Members should be aware of the section 182 Guidance issued under the Licensing Act 2003 which states as follows:-

14.65 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

14.66 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

4.4 The Licensing Authority have forwarded the points raised regarding Planning matters to the Planning Service for their consideration.

5.0 OBSERVATIONS

5.1 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.

6.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

6.1 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.

6.2 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 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.

6.3 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.

7.0 CONCLUSION

7.1 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.

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

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

7.4 In making its decision with regard to this 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

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

7.6 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.

7.7 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.

7.8 The Sub-Committee is asked to determine what steps, as set out in 7.4 above, are appropriate for the promotion of the licensing objectives.

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.	

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:

Mr M Bridge
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

General

1. Being mindful of the location of the premises, hours of operations and activities.
2. Complying with all conditions of the premises license.
3. Ensuring appropriate control measures are in place and staff training is up to date and relevant.
4. Considering public nuisance when establishing the design and the layout of the premises.

Prevention of Crime and Disorder

5. Presence of good CCTV cameras inside and outside premises which will actively deter disorder, nuisance and anti-social behaviour and crime generally also do id checks on all employees to prevent any illegal worker being employed in licenced premises.

Public Safety

6. Ensuring presence of trained first aider on premises and appropriate first aid kits available on premises, ensuring the safety of people when leaving premises, good communication with local authorities and cctv installion, fire safety measure is in place.

The Prevention of Public Nuisance

7. We will make sure all windows and door are shut after certain time like after 10pm and no one is allowed to the back garden and we will not play any music in shop.
8. we will not have any bright lighting outside shop and leave quietly after work late at night.

The Protection of Children from Harm

9. we will not have any entertainment on tv to harm children, not allow unaccompanied children after 8pm.

Appendix 2

Representations from Interested Parties

11/11/2024

Dear Sir/Madam

I am writing to OBJECT to the application on the grounds of public nuisance and, potentially, public safety and crime and disorder.

The idea of this establishment being open till 02:30 is worrying and would negatively impact my life, especially as I am in poor health (long term). I assume this takeaway (as per the previous occupant) will only be permitted to trade on the ground floor.

Ramsbottom is not generally a late night town, to be open this late could attract people from other areas. They could congregate outside the premises as there is nowhere else to go in the town at that hour. This could cause nuisance and disturbance.

As you are, I'm sure, well aware, Ramsbottom (unlike Bury) does not have a police station or any sort of regular police presence to protect us from such occurrences.

I hope you will seriously consider this objection and hopefully act to protect the residents.

I live next door at 64a bridge st i would like to object as im not against the shop being open. Its the extractor fan outside running whilst shop is open my bedroom is right next to the extractor fan which makes a very noticeable humming noise right next to where i sleep i have to be awake for work at 4:30am most morning. If application is successful and if its running til 2:30am it would seriously make normal life and sleeping stressful. 11pm is fine but 230am at weekends and 1am through week is too much. Or comprise by moving the extractor fan or updating so doesnt cause distress as it looks old and not well looked after also if the upstairs is being used as a dining/drinking area it is literally 6 inches from my room. Im sat here now at nearly 12am at night trying to sleep as ive had to locate to living room as fans is still on next to my bed and theres drilling,banging and extractor blaring. So my faith in keeping noise to acceptable limits is not the best

Thank you

My wife & I are the beneficial owners of the adjoining premises situate at 64/64a Bridge Street Ramsbottom BL0 9AG.

Currently 64 (ground floor) is trading as Unique Stitches; 64a (first floor) is a residential flat occupied by XXX (tenant) and managed by XX

On behalf of ourselves, and our tenant Mr XX , we wish to place on record our **objection** to the above application for extended opening hours in the **strongest possible terms** !

Mr XX and indeed previous tenants have enjoyed their 'peaceful occupation' of the premises over a number of years whilst no. 62 remained closed.

It was inevitable that the premises, at some future date, would re-open as permission was GRANTED in October 2020 – Application number **65723** refers.

Whilst not desirable adjacent to residential premises the current opening times 10am – 11.00pm Sunday to Thursday

10am – 11.30pm Friday and Saturdays are accepted !

However, my tenant, who has been resident for nearly 2 years, has taken to sleeping in the lounge due to excessive noise & nuisance caused by the recently re-opened premises adjoining into the early hours of the morning. The noise and constant hum of the extraction unit being the cause. He is now looking elsewhere feeling he is being 'driven' out although he would much rather stay. This also gives me a problem in re-letting.

In addition; the current business, rather than ceasing trading at 11.00pm Mon – Thurs & until 11.30pm Fri – Sat, as they are required to do under their **existing conditions of Planning Permission**, have remained open into the early hours.

My tenant has also noticed a greater number of rats in the rear cobbled street and indeed we are suddenly having to take steps to deter and eradicate from the loft area of our building. Whether this is a result of disturbance whilst renovations of 62 were completed or the rats have now found a new food source remains to be seen.

It is my contention that the occupiers are currently in contravention of their existing Planning Approval and are acting in a manner which suggests they have a total disregard for their obligations to the conditions contained within the **NOTICE OF PLANNING PERMISSION** dated 08/10/2020.

In support of my **objection** I would bring to your attention paragraphs **4, 6, 7 & 9** of the **NOTICE OF PLANNING PERMISSION** dated 08/10/2020 which sought **to protect adjacent residential premises from undue disruption & nuisance** whilst still allowing the food outlet to trade.

- 1) I don't believe sufficient soundproofing work has been carried out and hereby request a copy of the scheme submitted to the Local Planning Authority and their subsequent approval? A statement from the planning Consultant that 'masonry is of a robust construction' obviously wasn't & isn't enough – para 4 refers - **NR25 (Noise Rating)** **"The installation shall be so designed such that the maximum noise emitted does not exceed NR25 in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes.**

On the evenings of 27th & 28th December 2024, using our own test equipment with windows **closed**, recordings peaked at 59db far greater than the NR25 with a range of 25db – 35db required !

- 2) Re para 6; Permitted opening hours, restricted to 11.30pm Friday & Saturday – we observed on both days 27th & 28th December 2024 that the premises were open and **still serving food at 12.45am** to waiting Uber Eats Taxis and the public. **Clearly a contravention.**
- 3) It has been suggested by my tenant that a considerable amount of work is currently being carried out to the first floor of 62, also late into the evening, which as you will see from para 9 that this can only be used for storage !

Since the application for extended hours was only brought to my attention 3 days ago I have not had the opportunity to canvas other residents living in Back Square/Silver Street, who may already have lodged an objection, but in the meantime please acknowledge receipt of my objection.

I realise that some of the points I have raised may be better directed to Building Control, or some such Department, but I do believe that in granting the original Planning Application the powers that be did have consideration for local residences which, in my view, was right and proper.

Reference Paragraphs

4 No development shall take place unless and until a scheme to soundproof the party walls and floor/ceiling between the ground floor and the first floor has been submitted to and approved by the Local Planning Authority. Such

works that form the approved scheme shall be completed before the development hereby approved is brought into use.

Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities to protect the residential amenities of the future occupiers of the flat pursuant to UDP Policies S2/2 – Prime Shopping Areas and Frontages, S2/6 - Food and Drink EN7/2 Noise Pollution.

6 The use hereby permitted shall not be open to customers outside the following times:

10am to to 11.00pm - Sunday to Thursday

10am to 11.30pm Fridays and Saturdays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/2 - Prime Shopping Areas and Frontages, S2/6 - Food and Drink, EN1/2 - Townscape and Built Design and EN7/2 Noise Pollution of the Bury Unitary Development Plan.

7 No development shall commence unless and until a scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include a written statement from a suitably qualified person who is a member of the Heating and Ventilation Contractors Association (HVCA) or an equivalent professional body, stating that the fume treatment to be installed complies with or exceeds the 'Minimum Requirements For Odour Control' provided by the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development).

The scheme to be submitted shall also include the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements.

The scheme as approved shall be implemented prior to the first use of the development hereby approved and thereafter maintained in accordance with the approved scheme whilst it shall serve the development.

Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policies S2/2 - Prime Shopping Areas and Frontages, S2/6 - Food and Drink,

EN1/2 - Townscape and Built Design, EN7/1 - Atmospheric Pollution and EN7/2 Noise Pollution.

9 The first floor of the application property, No 62 Bridge Street, shall only be used for storage purposes in association with the development hereby approved.

Reason. To protect the residential amenities of the adjacent properties pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, EN1/2 - Townscape and Built Design, S2/6 - Food and Drink and EN7/2 - Noise Pollution

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