

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>29<sup>th</sup> APRIL 2016</b>
<b>SUBJECT:</b>	<b>AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF PICS, 30-32 MARKET STREET, BURY, BL9 0AJ.</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This report relates to an application pursuant to section 51 of the Licensing Act 2003, from Greater Manchester Police, in respect of Pics, 30-32 Market Street, Bury, BL9 0AJ.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>• To revoke the licence</li> <li>• To suspend the licence for a period not exceeding three months</li> <li>• To remove the Designated Premises Supervisor</li> <li>• To exclude a licensable activity from the scope of the licence</li> <li>• To modify the conditions of the licence</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
<b>Statement by Executive Director</b>	The cost of the licensing function is funded

<b>of Resources:</b>	through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
<b>Equality/Diversity implications:</b>	Yes <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
<b>Wards Affected:</b>	East
<b>Scrutiny Interest:</b>	Overview and Scrutiny Panel

## TRACKING/PROCESS

## DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

## 1.0 INTRODUCTION

- 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.
- 1.3 Up to 6<sup>th</sup> April 16, the Premises Licence in respect of Pics was held by Pics Bar Bury Limited. According to a check of Companies House register, Mrs Clare Clarke of the same address was a sole director for the company. The Designated Premises Supervisor (DPS) is a Miss Alexandra Clarke, 14 Sleaford Close, Brandlesholme, Bury, BL8 1XF.

## 2.0 BACKGROUND

- 2.1 During the check of the Companies House register, it was also established that Pics Bar Bury Limited had been dissolved on the 22<sup>nd</sup> March 2016. Section 27 (1)(d) of the Licensing Act 2003 states that "a Premises Licence lapses if the holder of the licence is dissolved". However, s50 of the Act makes provision for the licence to be re-instated if an application to transfer the licence under the provisions of s42 & 43(1)(a) is received within 28 days of the licence lapsing.

- 2.2 On the 24<sup>th</sup> March 2016, the Licensing Service received an application from The Dog House Bury Limited, registered address, 36 Market Street, Bury, for the licence to be transferred to the company and to have 'immediate effect'. Mrs Clare Clarke is also the Company Director of The Dog House Bury Limited. Miss Alexandra Clarke has been retained as the DPS in respect of the licence. She is also the Company Secretary for The Dog House Bury Limited.
- 2.3 There was already a separate Premises Licence in force in relation to 36 Market Street, (currently called 'Blue'- which is a licensed Turkish Kebab House). The Premises Licence is also held by The Dog House Bury Limited. Miss Alexandra Clarke is also the DPS in relation to 'Blue'.
- 2.4 An objection notice in relation to the transfer application was received from Greater Manchester Police on 7<sup>th</sup> April 2016. As this was received one day outside the 14 day period during which such a Notice can be given, it was rejected by the Licensing Authority and the licence was transferred to The Dog House Bury Limited in accordance with the legislation.

### **3.0 PROCEDURE**

- 3.1 In relation to the review application, the applicant has complied with all the necessary procedural requirements laid down by the Act.
- 3.2 As part of the statutory process the Responsible Bodies and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of the application by placing a Notice on the premises, at the Council Offices and on the Council web site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.
- 3.3 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 and
  - d) protection of children from harm

### **4.0 CURRENT LICENSABLE ACTIVITIES**

- 4.1 The current licensable activities are as follows:

a. The Supply of alcohol – For consumption on & off the premises:

Monday – Sunday	11.00 – 04.00hrs
Bank holidays	11.00 – 04.00hrs

b. The Provision of Regulated Entertainment comprising:

Recorded music:

Monday – Sunday	11.00 – 04.00hrs
Bank holidays	11.00 – 04.00hrs

- c. Performance of live music:
- |                 |                  |
|-----------------|------------------|
| Monday – Sunday | 11.00 – 02.00hrs |
| Bank holidays   | 11.00 – 02.00hrs |
- d. Provision of late night refreshment:
- |                 |                  |
|-----------------|------------------|
| Monday – Sunday | 23.00 – 04.00hrs |
| Bank holidays   | 23.00 – 04.00hrs |
- e. The Opening hours of the premises:
- |                 |                  |
|-----------------|------------------|
| Monday – Sunday | 11.00 – 04.00hrs |
| Bank holidays   | 11.00 – 04.00hrs |

## **5.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

- 5.1 Greater Manchester Police, in their capacity as a Responsible Authority, will shortly give their reasons for their application for a review of the Premises licence in which they request the Panel to consider revoking the licence. If the Panel is not minded to revoke the licence, they are requested to consider:
- Remove the current DPS from the licence (Miss Alexandra Clarke).
  - Direct that the current door staff/security company be changed.
  - To modify the licence by reducing the timings for licensable activities and the time that the premises is open to the public as detailed at appendix 1.

## **6.0 OTHER REPRESENTATIONS**

- 6.1 Three representations have been received from interested parties. The grounds of their representations are summarised as follows:
- Crime and Disorder
  - Doorstaff out of control
  - No need for the venue to be open until 04.00
  - Drug dealing inside the premises

## **7.0 OBSERVATIONS**

- 7.1 After hearing the representations made in relation to the Review Application, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

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### **List of Background Papers:-**

Copy of Review Application  
Copy of other representations received

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

Mr M Bridge  
Licensing Office  
3 Knowsley Place  
Duke Street  
Bury

0161-253-5209

## Appendix 1.

**The Police request to amend the Premises Licence timings as follows:**

Ser:	Licensable activity:	Current timings:	Requested modified timings:
1.	The Supply of alcohol:	Monday – Sunday 11.00 - 04.00hrs	Monday – Sunday 11.00 - 00.30hrs Including Bank holidays
2.	Recorded Music:	Monday – Sunday 11.00 - 04.00hrs	Monday – Sunday 11.00 - 00.30hrs Including Bank holidays
3.	Live Music:	Monday – Sunday 11.00 - 02.00hrs	Monday – Sunday 11.00 - 00.30hrs Including Bank holidays
4.	Opening hours of the premises:	Monday – Sunday 11.00 - 04.00hrs	Monday – Sunday 11.00 - 01.00hrs Including Bank holidays
5.	Late Night Refreshment	Monday – Sunday 23.00 - 04.00hrs	Monday - Sunday  Although the police have not mentioned Late Night Refreshment in their review application, if the modified timings at serial 4 is granted, this activity would also cease at 01.00hrs daily.