

REPORT FOR DECISION

DECISION OF:	LICENSING HEARINGS PANEL
DATE:	24th AUGUST 2016
SUBJECT:	AN APPLICATION FROM AN INTERESTED PARTY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF ALT HOUSE, 1-3 MOSS LANE, WHITEFIELD.
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report relates to an application pursuant to section 51 of the Licensing Act 2003 in respect of Alt House, 1-3 Moss Lane, Whitefield from an Interested Party for a review of the premises licence.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To revoke the licence • To suspend the licence for a period not exceeding three months • To remove the Designated Premises Supervisor • To exclude a licensable activity from the scope of the licence • To modify the conditions of the licence
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
Statement by Executive Director of Resources:	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.

Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
Wards Affected:	BESSES
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

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

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.
- 1.3 The Premises Licence in respect of Alt House is held by Alt House Limited of Brian Shafar Consultancy, 14 Branksome Avenue, Prestwich, Manchester, M25 1AG. Since 22nd July 2016, the Designated Premises Supervisor (DPS), has been a Miss Carla Ann Vickers.

2.0 PROCEDURE

- 2.1 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 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.
- 2.3 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

3.0 CURRENT LICENSABLE ACTIVITIES

3.1 The current licensable activities are as follows:

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

Monday to Sunday	11.00 to Midnight
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- b. The Provision of Regulated Entertainment comprising: Performance of a Play (Indoors), Exhibition of Films (Indoors), Live Music (Indoors), Recorded Music (Indoors) Performance of Dance (Indoors) Entertainment of a similar description to that falling within E, F and G (Indoors):

Monday to Sunday	11.00 to Midnight
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- c. Provision of Late Night Refreshment

Monday to Sunday	23.00 to 00.30
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- d. The opening hours of the premises:

Monday to Sunday	07.00 to 00.30
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4.0 CURRENT CONDITIONS ATTACHED TO THE PREMISES LICENCE:

4.1 The conditions, consistent with the premises operating schedule are attached at appendix 1 to this report.

5.0 REVIEW APPLICATION

5.1 The review application is from a Mrs Hannah Brookes who resides in the immediate vicinity of the premises. The grounds of her application are summarised as follows:

- Very loud music emanating from the premises to the extent that she is able to hear the beat of the music inside her home with the doors and windows closed.
- She has seen from her bedroom window, patrons urinating in the car park located at the rear of the premises.
- A bouncy castle was erected on the car park to the rear of the premises on the Bank Holiday Sunday in May.

5.2 Attached to the review application is a diary of incidents relating to the premises which was compiled by Mrs Brookes leading up to the review application being submitted by her. A second diary relates to incidents which have taken place subsequently.

6.0 OTHER REPRESENTATIONS

6.1 15 representations have been received from interested parties. The grounds of their representations are summarised as follows:

- Breach of licence conditions – Operating past licensed hours
- Crowds of people hanging around front and rear of the premises
- Evidence of people being sick
- Loud Music
- Drug paraphernalia
- Laughing gas canisters
- Obstruction of pathway
- Anti-social behaviour which includes fighting and people urinating in the car park
- Residents feeling intimidated when wanting to use the pathway
- Obstacles being placed at the front and rear of the premises e.g. heaters, chairs, benches and metal gates which block an emergency exit route.
- Owners being unpleasant and aggressive towards them
- Parking issues
- Litter
- Nuisance
- Bottles and drinking glasses are being left in the pathway
- Increase in people trying to brake into cars and tampering with people's property.

7.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

7.1 Greater Manchester Police, in their capacity as a Responsible Authority, will shortly give their reasons for their representation in which they request the Panel to revoke the Premises Licence.

8.0 RELEVANT BACKGROUND INFORMATION

8.1 Alt House has been a licensed premise since 13th February 2016. Records maintained by the Licensing Service show that five of the interested parties have previously made complaints to the Licensing Service about Alt House. Four of the complaints relate to noise nuisance emanating from the premises and one was in relation to vehicular access to the car park to the rear of the property being obstructed. This car park is used by an adjacent commercial business. Consequently, on the 6th April 2016, the Licensing Service liaised with the previous DPS, a Miss Kelly Bentley and a Mr Lee Platt who describes himself as having a financial interest in the business. The complaints were brought to their attention and Miss Bentley was reminded of her responsibilities in promoting the Licensing Objectives. Unfortunately, this did not resolve the issue and subsequent complaints were received requiring Licensing Service interaction. The details of these complaints and various applications subsequently received in relation to a change of DPS are attached at appendix 2 to this report.

9.0 OBSERVATIONS

9.1 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.

List of Background Papers:-

Review Application form
Representations received from Interested Parties
Representation from Greater Manchester Police

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

Mr M Bridge
Licensing Section
3 Knowsley Place
Duke Street
BURY
Telephone No: 0161 253 5209

Conditions originating from the Operating Schedule

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

The Prevention of Crime and Disorder

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVD's subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. One member of SIA registered door staff shall be employed at the premises after 21.00 for up to 60 people and two thereafter. This will be in accordance with a risk assessment to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - (i) the number of door staff on duty
 - (ii) the identity of each member of door staff
 - (iii) the times the door staff shall be on duty
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any approved external area.
8. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

Public Safety

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

The Prevention of Public Nuisance

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. The exterior of the building shall be cleared of litter at regular intervals.
3. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
4. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
5. A Dispersal and Smoking Policy will be implemented and adhered to.
6. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.

7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

The Protection of Children From Harm

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.
5. After 18.00 children must be accompanied by an adult throughout the premises.

DISPERSAL POLICY

ALT HOUSE

The purpose of this Dispersal Policy is to ensure, so far as possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising proactive measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of the Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by member of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this not apply in the case of consumption in any approved external area).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

SMOKING POLICY

ALT HOUSE

1. Any outside area used by customers wishing to smoke shall be covered by the CCTV system which will be installed at the premises.
2. The area outside of the premises will be cleaned regularly.

3. Patrons will be directed to smoke under the connecting bridge.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers to keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

Appendix 2

Ser:	Date:	Details:
1	22/04/16	Following receipt of complaints relating to noise nuisance emanating from the premises, a Licensing Enforcement Officer visited the premises during the day in an unsuccessful attempt to speak with Miss Kelly Bentley who was not on site. However Lee Platt was and the complaints were brought to his attention. A subsequent visit to the premises later that evening found no issues.
2	Between 25/04/16 & 18/05/16	The Licensing Service received further three noise nuisance complaints relating to the premises and vehicular access being obstructed to the rear car park.
3	24/05/16	A further noise nuisance complaint was received.
4	03/06/16	Miss Kelly Bentley visited the Licensing Service and handed over a letter stating that due to personal circumstances she could not be on the premises at all times. She also stated in the letter that she was authorising both Mrs Lorren Warrender and Lee Platt to act on her behalf during her absence from the premises.
5	04/06/16	A Licensing Enforcement Officer visited the premises at 01.15 for the purpose of monitoring any noise emanating from the premises. No issues were identified.
6	06/06/16	A further noise nuisance complaint was received.
7	01/07/16	Review application received by the Licensing Service. The statutory notice for display at the premises was delivered to the business that same day. A subsequent visit to the premises later that evening found that neither Miss Bentley or Mr Platt were on site. However, a Mr David Warrender was present and introduced himself as the new business owner. He stated that an application had already been submitted to Bury Council for his wife Lorren Warrender to be the new DPS. Mr Warrender was advised of the premises history of complaints.
8	04/07/16	The Licensing Service received an application to vary the premises licence for the purpose of nominating Lorren Warrender as the DPS. Greater Manchester Police subsequently made representations requesting that the application be refused. A hearing was set to consider the application however, subsequently cancelled. The application was withdrawn by the applicant due to the content of the representation submitted by Greater Manchester Police.
9	22/07/16	The Licensing Service received a further application to vary the premises licence for the purpose of nominating a Miss Karla Vickers as the DPS and for the application to have immediate effect. That application was subsequently granted.

