

REPORT FOR DECISION

DECISION OF:	LICENSING HEARINGS PANEL
DATE:	13th April 2016
SUBJECT:	AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF LA CAPANNINA RISTORANTE, 89-91 SUNNYBANK ROAD, UNSWORTH, BURY, BL9 8ES.
REPORT FROM:	ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES)
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, from Greater Manchester Police, in respect of La Capannina Ristorante, 89-91 Sunnybank Road, Unsworth, Bury, BL9 8ES.
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	The cost of the licensing function is funded

of Resources:	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:	Pilkington
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 La Capannina Ristorante was granted on 8th February 2016 and is held by IL Tavolo Limited, Uglow Farm, Broadhead Road, Edgeworth, Bolton, BL7 0UN. Mrs Monica Marie Bacci is the sole director of the company. The Designated Premises Supervisor (DPS) is a Mr Dennis Robert Warner. Mr Warner is also the DPS of Bellini, an Italian restaurant located at 49 Bolton Street, Ramsbottom.
- 1.4 The previous Premises Licence in respect of La Capannina Ristorante was held by Padova Restaurants Limited until 4th January 2016 on which date it was cancelled by the Licensing Authority as a result of the business going into liquidation on 3rd December 2015, resulting in the Premises Licence lapsing. During the interim period of the previous licence lapsing and the current licence being granted, the business continued to operate by utilising Temporary Event Notices which were given by Mrs Monica Marie Bacci. An online search of the Companies House register established that Mrs Bacci had been the company secretary and a director of the dissolved Padova Restaurants Limited. She is

now the sole director of IL Tavolo Limited. She and her husband Giancarlo are also the joint directors of Chioggia Limited which holds the Premises Licence in respect of Bellini, 49 Bolton Street, Ramsbottom.

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 & off the premises:

Monday – Thursday	10.00 – Midnight
Friday – Saturday	10.00 – 01.00hrs
Sunday	10.00 – Midnight

- b. The Provision of Regulated Entertainment comprising:

Recorded music:

Monday – Thursday	10.00 – 00.30hrs
Friday – Saturday	10.00 – 01.30hrs
Sunday	10.00 – 00.30hrs

- c. Performance of live music:

Monday – Thursday	10.00 – Midnight
Friday – Saturday	10.00 – 01.00hrs
Sunday	10.00 – Midnight

- d. Provision of late night refreshment:

Monday	23.00 – Midnight
Tuesday – Thursday	23.00 – 01.00hrs
Friday – Saturday	23.00 – 02.00hrs
Sunday	23.00 – Midnight

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 4.1 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 the Chief Constable is of the view that there are no conditions which can be imposed on the licence which can mitigate the flaws of the management of the premises. The directors of IL Tavolo Limited are legally responsible for what occurs at the premises. Consequently, the Chief Constable submits that the only appropriate remedy to promote the Licensing Objectives is to revoke the premises licence.

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.

List of Background Papers:-

Copy of Review Application

Copy of representations received

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

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3 Knowsley Place
Duke Street
Bury

0161-253-5209