

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>6<sup>TH</sup> DECEMBER 2017</b>
<b>SUBJECT:</b>	<b>APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF WELLINGTON HOTEL, 338 BOLTON ROAD, BURY, BL8 2PP</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR DESIGNATE (LOCALITIES)</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 under section 37 of the Licensing Act 2003, from Greene King Retailing Ltd, to vary the Premises Licence held by them, in respect of Wellington Hotel, 338 Bolton Road, Bury, BL8 2PP, to specify a change of Designated Premises Supervisor (DPS). The Greater Manchester Police in their capacity as 'A Responsible Authority' have made a representation in respect of the application.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>• To grant the application</li> <li>• To refuse the application</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 of Resources:</b>	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.

<b>Equality/Diversity implications:</b>	No (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
<b>Wards Affected:</b>	Church
<b>Scrutiny Interest:</b>	Internal 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 is 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 Under the provisions of section 37(5) of the Act, where the chief officer of police notified of an application to specify an individual as a DPS, is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant Licensing Authority a notice stating the reasons he is so satisfied.

### 2.0 BACKGROUND

- 2.1 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 On the application form it has been requested that the application to have immediate effect under section 38 of the Act which allows the premises to continue to sell alcohol until such time that this application is determined or withdrawn.

### **3.0 THE APPLICATION**

- 3.1 Paragraph 4.31 of the Guidance issued under Section 182 of the Licensing Act 2003, points out the requirement under the Act for every premises licensed for the supply of alcohol to have a Personal Licence holder specified as the Designated Premises Supervisor. The Guidance goes on to state that the DPS will normally be the person who has been given the day to day responsibility for running the premises by the premises licence holder.
- 3.2 The application from Greene King Retailing Ltd names Daniel Schofield , of 70 Weavermill Park, Ashton in Makerfield, Wigan, WN4 9EZ, as the new DPS. It is confirmed that Daniel Schofield is the holder of a Personal Licence granted by Wyre Borough Council.

### **4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

- 4.1 Greater Manchester Police will shortly give their reason(s) for their representations in relation to this application which they request the Panel to refuse the application.

### **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.

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

Application form  
Police Representation

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

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