

REPORT FOR DECISION

DECISION OF:	LICENSING HEARINGS PANEL
DATE:	7th FEBRUARY 2017
SUBJECT:	APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF POLKA, 20 PARKHILLS ROAD, BURY, BL9 9AX
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 for a Premises Licence to be granted under the Licensing Act 2003 in respect of Polka, 20 Parkhills Road, Bury, BL9 9AX in respect of which representations have been received.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • 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
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:	Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
Wards Affected:	REDVALES
Scrutiny Interest:	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.

2.0 BACKGROUND

- 2.1 The premises licence was surrendered under Section 28 of the Licensing Act 2003, on the 21st September 2017 by the previous owner Mr Pishtiwan Jaza Mohammed.
- 2.2 Section 50(1)(b) permits the reinstatement by transfer where a premises licence lapses by virtue of Section 28.
- 2.3 On the 26th September 2017 an application to transfer the premises licence was made by Mr Hallo Omid.
- 2.4 A representation to this application was made by Greater Manchester Police and the application was subsequently refused at a Hearing on 31st October 2017.
- 2.5 Section 50(6) states that the licence lapses again when the applicant is notified of the rejection of the application. Section 50(7) states that 'only one application for transfer of a premises licence may be made in reliance on this section'.

- 2.6 Therefore any further applications must be for the Grant of a New Premises Licence. An application for such was received on the 14th December 2017.
- 2.7 The applicant for the licence in respect of the above premises is Polka Limited of 20 Parkhills Road, Bury, BL9 9AX of which Ranja Jamal is the sole director. Shamal Qadir of 16 Lidget Terrace, Lidget Green, Bradford, BD7 2LR is the proposed Designated Premises Supervisor (DPS).
- 2.8 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.9 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.
- 2.10 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 THE APPLICATION

- 3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

The operating schedule shows the following:

a. Supply of alcohol – For consumption Off the Premises.

Monday to Sunday	09.00 – 23.30
------------------	---------------

b. Opening Hours

Monday to Sunday	09.00 – 23.30
------------------	---------------

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 4.1 A representation has been received from Greater Manchester Police in respect of this application and is attached at Appendix 1.
- 4.2 The representation was received before the end of the objection period.
- 4.3 The Police will shortly expand upon the reason(s) for their representation in relation to this application which they request the Panel to refuse.

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:-

Application form

Representations received

Plan

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

Mr M Bridge

Licensing Office

3 Knowsley Place

Duke Street

Bury

Telephone No: 0161 253 5209

Email: m.bridge@bury.gov.uk