

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	LICENSING HEARINGS PANEL
DATE:	20th DECEMBER 2013
SUBJECT:	THIS REPORT RELATES TO AN APPLICATION TO VARY THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE PACK HORSE INN, 52 WATLING STREET, AFFETSID, BURY, BL8 3QW
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 to vary a Premises Licence under section 34 of the Licensing Act 2003 in respect of the Pack Horse Inn, 52 Watling Street, Affetside, Bury, BL8 3QW of which representations have been made.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> To refuse the application To grant the application in the terms requested To grant the application subject to conditions To amend or modify existing or proposed conditions
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:	Tottington
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 holder in respect of these premises is Hydes Brewery Limited, The Beer Studio, 30 Kansas Avenue, Salford, Manchester. Mr Christopher Yates is the Designated Premises Supervisor.
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the variation of a premises licence. Where representations are made and not withdrawn Members are required to determine them. Representations have been received from local residents and a councillor.
- 2.2 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 a variation to the current Premises Licence under Part 3 of the Licensing Act 2003 to permit internal alterations to the layout of the premises, to add the provision of Late Night Refreshment to the licence and to remove outdated conditions (Embedded Conditions) from the Premises Licence. Embedded Conditions are conditions which were carried forward from the old licensing regime, namely from the previously held Justices Licence.

The current Premises Licence authorises the following licensable activities.

a. The Supply of alcohol – For consumption On and Off the Premises.

Monday – Thursday	11.00 to Midnight
Friday & Saturday	11.00 to 00.30hrs
Sunday	Noon to Midnight
Christmas Eve	11.00 to 01.00hrs
New Years Eve	As per Embedded Conditions
Other Bank/Public Holidays	As per embedded Conditions

b. Regulated Entertainment comprising the Performance of Live Music, Playing of Recorded Music, the Provision of Facilities for making music and the Provision of Facilities for Dancing, all indoors only:

Monday – Thursday	20.00 to Midnight
Friday & Saturday	20.00 to 00.30hrs
Sunday	Noon to Midnight
New Years Eve	20.00 to Midnight
New Years Day	Midnight to 00.30hrs
Bank Holiday Monday (excl dancing)	Noon to 00.30hrs

c. Hours the premises are open to the public:

Monday – Thursday	11.00 to 01.00hrs
Friday & Saturday	11.00 to 01.30hrs
Sunday	Noon to 01.00hrs
Christmas Eve	11.00 to 02.00hrs
New Years Eve	As per Embedded Conditions
Other Bank/Public Holidays	As per embedded Conditions

3.2 This application is to add the following licensable activity to the Premises Licence:

d. The Provision of Late Night Refreshment:

Sunday - Thursday	23.00 to 00.30hrs
Friday & Saturday	23.00 to 01.00hrs

4.0 REPRESENTATIONS

- 4.1 Representations in respect of the application have been received from 4 local residents and from one ward councillor. Members are advised that some of the representations wrongly perceive this to be an application to extend the licensing hours which is not the case and many of the points raised do not relate to the four licensing objectives but refer to Planning and Building Control considerations which the Panel cannot consider. In addition, the representations relate to the following historical issues allegedly associated with the premises:
- a. Previous noise nuisance complaints have been made to the Licensing Authority in respect of the premises many of which relate to live and amplified music.
 - b. Taxis sounding their horns
 - c. People shouting and fireworks being thrown into a garden
 - d. Car doors being slammed and screeching tyres.
 - e. Anti social behaviour and noise pollution since the premises gained planning permission to construct a restaurant extension in 2005.
 - f. A perceived lack of car parking space at the premises and previous noise and traffic issues.
 - g. The proposed changes to the licensing hours will only exacerbate the current disruption to village residents quiet enjoyment of their gardens and dwellings.
- 4.2 All the representations were received before the end of the objection period.

5.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

- 5.1 No representations have been received from any of the Responsible Authorities.

6.0 HISTORICAL COMPLAINTS

- 6.1 The Licensing Service can confirm that one of the representors, Mr Dutton, has made a number of noise nuisance complaints in respect of the premises between June 2008 and April 2011. The Licensing Service in liaison with colleagues from the Council's Environmental Health Service responded to each complaint which resulted in a noise monitoring device being installed in Mr Dutton's home on 4 separate occasions between February 2009 and June 2010, none of which resulted in obtaining evidence of noise nuisance emanating from the licensed premises. In addition, Mr Dutton has been given advice and supplied with the appropriate application forms to enable him to submit an application to the Licensing Authority at any time for a review of the Premises Licence in relation to any breach of the 4 licensing objectives relating to the Pack Horse Inn. To date, no review application has been received in respect of the premises.

7.0 OBSERVATIONS

7.1 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
Plan of premises
Representations received

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

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