

REPORT FOR DECISION

DECISION OF:	LICENSING HEARINGS PANEL
DATE:	31st AUGUST 2018
SUBJECT:	APPLICATION FOR A TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF KILLON STREET OFF LICENCE, 26 PRICE STREET, BURY, BL9 9EB
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC 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 for the transfer of a Premises Licence under section 42 of the Licensing Act 2003 in respect of Killon Street Off Licence, 26 Price Street, Bury, BL9 9EB
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> To reject the application if it considers it is necessary for the promotion of the crime prevention objective to do so; or To grant 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:	REDVALES
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 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 These premises licence is currently held by Mr Raja Navved Aijaz, 29 Cardigan Drive, Bury, BL9 9LG. Mr Aijaz is also the Designated Premises Supervisor.
- 2.2 On the 20th July 2018, the licensing office received an application to transfer the premises licence with immediate effect into the applicant's name of Mr Khiyam Alam, 214 Parkhills Road, Bury, BL9 9AL. Mr Aijaz will remain as the Designated Premises Supervisor.
- 2.3 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.4 As part of the statutory process the Chief Officer of Police is entitled to make a representation by way of a notice under section 42(6) of the Licensing Act 2003 in relation to the transfer of a premises licence where he is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.
- 2.5 Where such a representation is made and not withdrawn, members are required to determine whether the transfer application should be granted or not.

3.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 3.1 A notice under section 42(6) of the Licensing Act 2003 was lodged by Greater Manchester Police on 31st July 2018 allowing them to make representations.
- 3.2 The Police will shortly expand upon the reason(s) for their representation in relation to this application which they request the Panel to refuse.

4.0 OBSERVATIONS

- 4.1 After hearing the representation made and the evidence presented, members are obliged to determine the application with a view to determining if there are exceptional circumstances that would mean granting the transfer application would undermine the crime prevention objective, having regard to the Authority's Licensing Policy and National Guidance.

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 issued by the Secretary of State.

List of Background Papers:-

Application form
Representation received

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

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