



**GOSSCHALKS**  
SOLICITORS

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Please ask for: Clare Johnson  
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Our ref: MCJ / JB / 098454.24941  
#GS2089748  
Your ref:  
Date: 26 July 2018

By email and post

Dear Sirs

**Re: Sir Robert Peel Bury - review**

We act on behalf of Ei Group PLC. Our client is the leaseholder of the Sir Robert Peel, 97 Sunnybank Road Bury and we have seen a copy of the application for review of the premises licence issued by Mr Matthew McClean.

We would be grateful if you would accept this letter as a formal representation on behalf of our client. Ei Group PLC owns around 4500 public houses in England and Wales. Over 95% of those premises are the subject of lease/tenancy agreements. The tenant operates his/her/its own business out of our client's premises. The lease makes it clear that all operational responsibility for the premises lies with the tenant. The Sir Robert Peel is the subject of a 10 year lease in favour of the current premises licence holders Mr Steven Elliot and Miss Kirsty May Maher.

Please note that our clients take a wholly neutral stance with regard to the incidents referred to in the review. As our client has no operational responsibility for the premises it cannot comment upon those matters. However, as a company concerned in a business in the locality Ei Group PLC is obviously anxious to ensure that the licensing objectives are promoted and that the premises operate in a responsible fashion both for the company's benefit and for the benefit of those persons who work and live in the vicinity. It is obviously important to Ei Group PLC that the operation of these premises enhances the community which the premises serve and that its operation does not cause problems with regard to crime and disorder, public safety or nuisance.

The review is, of course, designed to establish what measures to promote the licensing objectives need to be implemented as a result of the incidents which are alleged to have occurred. The allegations referred to in the review relate to the prevention of crime and disorder, public safety and the prevention of public nuisance. The Guidance issued by the Home Office is clear.

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Paragraph 11.20 indicates that *"In deciding which of these powers (on determining the review) to invoke it is expected that the Licensing authority should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concerns that instigated the review"*.

We would respectfully submit that consideration should be given to modifying the conditions on the licence to address the concerns raised by the applicant for review provided, of course, that there is evidence to support those concerns.

At this stage we would be grateful if you would confirm that the representation has been accepted and also advise as to the date of the hearing.

We look forward to hearing from you.

Yours faithfully



**GOSSCHALKS**

Bury Metropolitan Borough Council

**The Licensing Act 2003****Responsible Authority Representation Form**

<b>Section 1 - Application Details</b>	
<b>Application for a premises licence review of the following premises by Mr Matthew McClean:</b>  <b>Sir Robert Peel, Sunnybank Road, Bury BL9 8EB</b>	
Type of application. Application for a premises licence review	
Application Number (if known):	

<b>Section 2 - Responsible Authority's Details</b>	
<b>Responsible Authority's Details:</b> Please tick appropriate box:	
<input checked="" type="checkbox"/>	Police
<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection
<input type="checkbox"/>	Weights and Measures
Full name:	PC 14501 John Caulfield
Job Title:	Licensing Officer.
Tele number:	0161-856-8111
Email:	14501@gmp.police.uk

Address:

Licensing and Partnership Team  
Bury Police Division Headquarters.  
Dunster Road,  
Bury  
BL9 0RD

### Section 3 – Representations

- ☐ We object to the application being granted at all  
☐ We object to the application being granted in it's current form\*

\*If you choose this option remember to tell us in section 3B what changes you would like to see.

You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

### Section 3A – The Objectives

#### TO PREVENT CRIME AND DISORDER

Please state your reasons:

Mr Matthew McClean has submitted an application for a premises licence review in respect of Sir Robert Peel, Sunnybank Road, Bury BL9 8EB.

We have noted the contents of the application, and would like to add the following in support of a variation of licence.

Mr McClean has made reference to two incidents that occurred on 7<sup>th</sup> July 2018 which resulted in four logs being recorded by the Greater Manchester Police, causing police attendance and two crimes being recorded for an affray and assault.

I have met with the licensees as a result of this application and the incident described requesting a copy of the cctv footage. The footage has since been provided and analysed.

Disappointingly there is no cctv coverage directly over the front entrance, and only one camera covering the front of the building which is of low resolution and overlooks Sunnybank Road. The poor quality of the footage has made it difficult to accurately record the actions of offenders and patrons at the premises when the disorder takes place.

This was the evening of a World Cup match in which England were playing, resulting in a large attendance at the premises, with the outside seating area being particularly busy. In summary, at approximately 21.30hrs the footage shows a vehicle pull up in front of the premises and three males exit and move to the direction of the front door and out of sight. A large group then appears from the direction of the premises and it appears that disorder takes place in the middle of the road and the vicinity of the facing service station.

Although there was no serious injuries reported, GMP acknowledges this would have had an effect on the community, particularly neighbouring residents evidenced in the calls to the 999 service.

A later incident was reported at 22.38hrs, however the licensees have reported that the premises stopped serving alcohol at 21.00hrs. On viewing the footage from inside the premises, although notably quieter, a male can be seen to return to a table with a full pint at 21.52hrs. There are still a number of other individuals in and around the premises. Despite this GMP cannot find evidence to suggest that this occasion was directly linked to the premises.

The Designated Premises Supervisor (DPS) Kirsty Maher is also Premises Licence Holder (PLH) and dps of The Northern Crafthouse, Bury New Road, Whitefield. Although Home Office Guidance states that a person can be DPS at more than one premises I would suggest that in light of the applicants concerns it would be appropriate to appoint a new DPS who can be responsible for the day to day running of this premises only.


Further Recommendations:

The cctv condition (point 1 under appendix C) to be amended to

	<p>the following condition to ensure compliance with the objectives:</p> <p>The premises is to operate a CCTV system which is to be maintained in good working order at all times the premises is open for business, such system and the positioning of the cameras to be to the reasonable satisfaction of Greater Manchester Police. The recording medium (e.g. discs / tapes / hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / authorised officers of the Licensing Authority upon request. A member of staff trained in the use of the CCTV system must be available (but not necessarily at the premises) at all times that the premises are open to the public to provide copies of data, subject to Data Protection legislation, upon request and as soon as reasonably practicable following a request. The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request. The premises licence holder or the designated premises supervisor must notify the licensing office or the police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 12 hours.</p>
<b>PUBLIC SAFETY</b>	

<b>TO PREVENT PUBLIC NUISANCE</b>	<p>The premises has a large outside seating area around the front and side of the building. There is currently no licence condition to directly address this and therefore we respectfully request the following condition to be added:</p> <p>Outside seating area to be closed off at 2200hrs to prevent noise nuisance to local residents. A designated smoking area will be clearly marked for use when the seating area is closed.</p> <p>Point 7 under Appendix C also to be amended so that all external doors are not to remain open after 2200hrs.</p>
<b>THE PROTECTION OF CHILDREN FROM HARM</b>	

**Section 3B – Suggestions/Further Information**

Signed..........dated 7/8/18

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.