

REPORT FOR DECISION

DECISION OF:	LICENSING HEARINGS PANEL
DATE:	1ST JULY 2020
SUBJECT:	APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF HUB BAR AT 1 HASLAM STREET, BURY
REPORT FROM:	EXECUTIVE DIRECTOR (OPERATIONS)
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 Hub Bar at 1 Haslam Street, Bury, 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:	Moorside
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 BACKGROUND

- 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 This matter was scheduled to take place on the 1st April 2020, However the Licensing Unit Manager explained via telephone conference call, that since the application had been received there had been the outbreak of the Covid-19. As a result of this and the restrictions and requirements for social distancing, it was felt that the hearing of the application together with representations from GMP and the Ward Councillor could not be dealt with fully in the public interest. It was noted that GMP had indicated that an application would be made to hear some of its representations in private.
- 1.4 Due to these circumstances, in order to deal with the application in the appropriate manner it was proposed that the time period set out in the Licensing Act 2003 (Hearings) Regulations 2005 within which the hearing of the application must be commenced, be extended in the public interest, in order to ensure a full and fair hearing, for three months until 1 July, pursuant to regulation 11 of those Regulations.
- 1.5 It was agreed unanimously, pursuant to regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, to extend the time period set out in the Regulations within which the hearing of the application must be commenced, for three months until 1 July, in order to deal with the application in the appropriate manner and in order to ensure a full and fair hearing, in the public interest.

2.0 BACKGROUND

- 2.1 The applicant for the licence in respect of the above premises is Miss Natalie Cummings, of 23 Roch Crescent, Whitefield, M45 8LR. Miss Cummings is also the proposed Designated Premises Supervisor (DPS).
- 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 grant of a licence. Where representations are made and not withdrawn Members are required to determine them.
- 2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
- the prevention of crime and disorder
 - public safety
 - prevention of public nuisance and
 - 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 On the Premises only.

Sunday to Thursday	07.00 until 21.30
Friday and Saturday	07.00 until 22.30
Bank Holidays	07.00 until 22.30

- b. Opening Times.

Sunday to Thursday	07.00 until 22.00
Friday and Saturday	07.00 until 23.00
Bank Holidays	07.00 until 23.00

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. If the Panel is minded not to refuse the requested conditions are attached at Appendix 1.
- 4.2 Greater Manchester Police have indicated that they may request the members of the Panel to consider an application under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations to exclude the public from all or part of the hearing.

All the representations were received before the end of the objection period.

5.0 INTERESTED PARTY

- 5.1 The interested party will shortly give their reason(s) for their representations in relation to this application which they request the Panel to refuse.

6.0 OBSERVATIONS

- 6.1 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
Representation 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 5208
Email: m.bridge@bury.gov.uk

1. The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The recording medium (e.g. disks / 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. 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 24 hours.
2. Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
3. A personal licence holder must be on the premises at all times when open to the public.
4. Door staff employed at the premises must be SIA registered and a daily log must be maintained at the premises showing the full name, date of birth, contact telephone number and SIA badge number of the Door Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the police, to SIA inspectors and to Authorised Officers of the Licensing Authority on request.
5. Two Door security staff must be employed at the premises on Friday and Saturday between the hours 20.00 hours and close of business.
6. Door security staff to use their best endeavours to prevent persons loitering outside the premises.
7. The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and attend at the meetings of the Pub and Club watch scheme for the area.
8. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery or from moving from one part of the premises to another.
9. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
10. Customers are to be prevented from leaving the premises with glasses or open bottles. No drink shall be removed from the premises in an unsealed container.

11. The premises should operate at a maximum capacity of 30 persons including staff members.
12. Clientele must not be admitted to the premises after 23.00 hrs or within one hour of the end of licensable activity.
13. The DPS or premises licence holder must develop and operate a dispersal policy for clientele leaving the premises. [this may include links to taxis and other transport providers.
14. The DPS/ Licence holder must ensure members of staff are adequately trained with regard to First Aid.
15. Prominent clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
16. Music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.
17. All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
18. The outside area is not to be used for licensable activities or for the consumption of alcohol.
19. On occasions when the premises are used/hired to hold a party, At least one SIA registered security staff is to be employed at the premises for the duration of the function.
20. On such occasions, the sale of alcohol and the provision of regulated entertainment is to cease no later than 23.00hrs.
21. At an appropriate time before closing time, announcements should be made reminding customers to leave quietly.
22. No refuse shall be disposed of or collected from the premises between the hours of 00.00 and 0700 where such disposal or collection is likely to cause disturbance to local residents.
23. The premises shall be closed to customers 30 minutes after licensable activity has ceased.
24. The premises will operate a "Challenge 25" proof of age policy, and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.
25. The premises is to maintain a refusals / incident book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18 and record

the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.

26.All alcohol must be displayed/stored behind the counter.

27.No person under the age of 18 shall be permitted to remain on the premises after 20.00 hours and no unsupervised access for children at any time.

