



Classification	Item No.
Open / Closed	

Meeting:	LICENSING HEARINGS PANEL
Meeting date:	1 st APRIL 2021
Title of report:	APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF PRESTWICH SOCIAL CLUB, UNIT 3, RADIUS SCHEME, SOUTH EAST SIDE, FAIRFAX ROAD, PRESTWICH, M25 1AS
Report by:	EXECUTIVE DIRECTOR (OPERATIONS)
Decision Type:	Council
Ward(s) to which report relates	St Marys

Executive Summary:

Recommendation(s)

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Prestwich Social, Unit 3, Radius Scheme, South East Side, Fairfax Road, Prestwich, M25 1AS

OPTIONS & RECOMMENDED OPTION Options

- 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

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

Community impact / Contribution to the Bury 2030 Strategy

Not Applicable

Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	.

Consultation:

Not applicable

Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

There are no specific issues from the report other than potential costs/risks associated with legal appeals

Report Author and Contact Details:

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Background papers:

Application form
Representation received
Plan

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
DPS	Designated Premises Supervisor

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.

2.0 INTRODUCTION

- 2.1 The applicant for the licence in respect of the above premises is TLS2 Bars Limited, Manor House, 35 St Thomas's Road, Chorley, PR7 1HP. The proposed Designated Premises Supervisor (DPS) is Mr Douglas Waldron, Apple Barn, Draklow Gorse Farm, Yatehouse lane, Byley, Middlewich, CW10 9NS.
- 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 and Off the Premises.

Monday to Thursday	11.00 until 00.00
Friday to Saturday	10.00 until 01.00
Sunday	10.00 until 00.00
New Year's Day	00.01 until 03.00

b. Playing of Recorded Music (Indoors)

Sunday to Thursday	10.00 until 00.00
Friday to Saturday	10.00 until 01.00
New Year's Day	00.01 until 03.00

c. Provision of Late Night Refreshment (Indoors and Outdoors)

Friday to Saturday	23.00 until 00.30
Sunday	23.00 until 00.00

New Year Eve	23.00 until 00.00
New Year's Day	00.01 until 02.00

d. Opening Times

Sunday to Thursday	08.00 until 00.30
Friday to Saturday	08.00 until 01.30
New Year's Day	00.01 until 03.30

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 4.1 Greater Manchester Police submitted a representation in relation to this application which they request the Panel to not grant the application in its current form. Greater Manchester Police have requested conditions are attached at Appendix 1.
- 4.2 Greater Manchester Police have mediated with the applicant prior to today's hearing and they have accepted the proposal.

5.0 REPRESENTATIONS FROM INTERESTED PARTIES

- 5.1 10 interested parties have made a relevant representations to this application are detailed below:-
- Litter – cleaning up late at night or early morning
 - Tables outside premises
 - Noise Nuisance
 - Smoking outside premises
 - Alcohol related anti-social behaviour
 - Hours of operation
 - People waiting for Taxis
- 5.2 These representations are attached at Appendix 2.

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.

Appendix One

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 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 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 contactable when the premise is open to the public.
4. Door staff employed at the premises must be SIA registered and a 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. Any Door security staff employed to use their best endeavours to prevent persons loitering outside the premises.
6. 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.
7. 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.
8. 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 save for consumption in any delineated area
9. Clientele must not be admitted to the premises within 30 minutes of the end of licensable activity.
10. The DPS/ Licence holder must ensure members of staff are adequately trained with regard to First Aid.

11. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
12. 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.
13. 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.
14. 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.
15. All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
16. On occasions when the premises are used/hired to hold a 18th/21st Birthday party, At least one SIA registered security staff is to be employed at the premises for the duration of the function.
17. On such occasions, the sale of alcohol and the provision of regulated entertainment is to cease no later than 23.00hrs.
18. 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.
19. The premises will operate a "Challenge 21" 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 21 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.
20. 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.
21. All alcohol must be displayed/stored behind the counter.
22. No person under the age of 18 shall be permitted to remain on the premises after 22.00 hours except when present with a responsible adult.

Appendix 2

Service: Bury Licensing Service

Date submitted: 18:39 17/02/2021

Article the customer came from: 11029

Customer name: [REDACTED]

Customer email address: [REDACTED]

Customer phone number: [REDACTED]

Customer message: I would like to write objecting to licensing application 067344, which is for a new premises at Unit 3, Radius, in the centre of Prestwich. My family live in the block of flats above the premises and have serious concerns regarding the noise that will come from offering drinks until 12:30am (1:30am Friday-Saturday). This appears to include allowing tables outside of the premises, immediately below apartments. These concerns extend beyond the actions of patrons, to include the disposal of bottles and clean-up necessary after closure or early in the morning, as they are due to open at 8am. The request for recorded music until 12am (1am Friday-Saturday) is an additional concern for the same reasons.

Dear Sirs

Re: Application by Prestwich Social

Having had many unfortunate years coping with the extra late licensing hours given to the now deceased Orange Tree, I should like to raise an objection to the application for a very late license by Prestwich Social.

The Radius apartments have had to put up with abusive behaviour, swearing, drunkenness, men urinating in pint pots, women crouching to urinate at the front entrance to the apartments, hoards of noisy revellers waiting for taxis in the early hours, with much screaming and shouting and sometimes fighting; with police very often in attendance.

It was an absolute nightmare for the residents as you will appreciate; this establishment is not on the main road nor in the country but in a residential block of flats, where many older people and families live.

I have no objection to the company itself, as it sounds decent enough, in fact I would look forward to having a nice restaurant and bar, which I would intend to frequent but, extra late night drinking and the accompanying noise when leaving the premises, isn't confined to one type of clientele, unfortunately.

Another important point is that, because of the lack of smoking facility, the clientele congregate outside the apartments, making noise, and also in front of the building entrance when it is raining, causing obstruction to residents and stress to the concierge who had to try to control the crowd and allow access to the building.

Perhaps you would be kind enough to consider my views and that of the other residents.

Yours sincerely

I wish to formally object to the proposed opening hours of the proposed development at the sight of the orange tree in Prestwich.

I live 4 floors above the development and work shifts, I appreciate at the weekend further noise is expected but a 3am licence adjacent to a residential development is unacceptable.

Technically we could have noise until 3am and then have to suffer noise when the bar reopens at 10am.

The only area to smoke is outside the front door, right underneath my flat, so unless there is zero smoking after midnight it will be an absolute nuisance.

Regards,

Dear sir, madam,

This is my second representation re Prestwich Social and their application for a licence to serve alcohol at Unit 3, Radius, Prestwich.

My sentiments have not changed. Having spoken to Mr Waldron, he suggested that he was open to changing the opening hours to midnight but has done nothing to confirm this. Indeed Mr Waldron implied that he did not think the bar would be busy after 11pm. In which case, I find it strange that he has not requested an amendment to the proposed opening hours.

I note that the above premises (unit 3, Radius, Prestwich) have applied for a licence for the sale/supply of alcohol from 11am to midnight on Monday to Thursday/ Sunday and 11am to 01:00am on Fridays and Saturdays.

I would like to register my strong objection to a licence being granted on these terms. Radius has approx 150 apartments and residents in the direct vicinity of unit 3 and previous businesses have caused nothing but trouble and disruption to residents - namely by the playing of loud music until after midnight, shouting, swearing and fighting by patrons of the establishment and patrons congregating and obstructing, urinating in the entrance to the apartments at Radius.

I have made my objections clear to Laura Jones in your department on several occasions.

Whilst I'm not objecting to a bar opening at the aforementioned premises, I am objecting to opening hours past 11.30pm and the playing of music.

I trust you will take note of my objection to this matter and look forward to hearing your observations.

I understand the above premises have put a application with Bury Council to sell/ supply alcohol from 11am to 1 am Monday to Thursday and including Sunday and from 11am to 1.00am Friday and Saturday.

I object to this late opening hours as I live in Radius a apartment block of 150 apartments which is above the unit 3. I live and own [REDACTED]

For the last eleven years I have found that with late opening hours causes a lot of noise when closing ie people waiting to get home ie taxis and as there is no shelter to wait people at the apartment cant sleep because of disturbances outside note alot of residents work there and even go to work at weekends.

Also the alcohol is spilt on to the main pavement and is stained because of this.

It would be acceptable to have opening hours of 11.00 to 11.00pm Monday to Thursday including Sunday and also have a half hour extension for Friday Saturday only.

I wait for your reply with reference to my objection .From [REDACTED]

> I [REDACTED] live and own my apartment which I have owned since MARCH 2006.

> The proposed opening times are for which the new proprietary are completely unfair and I would like TO make an application to BURY COUNCIL to OBJECT the Supply of alcohol opening times ie from Sunday to Thursday 11.00 TO 00.00 FRIDAY/SATURDAY 10.00 to 01.00am and inclusive off New Years Day 00.01 to 03.00 am.

> The UNIT 3 is under a very large APARTMENT block of 150 apartments which are all occupied.

> There has been approx 3 different Tenants /owners since I moved in to my property in MARCH 2006 and is above the UNIT 3 in CEDAR COURT Therefore there is noise people shouting from the UNIT 3 and becomes worse the later the UNIT 3 is open .

> The unit brings in a lot of people from outside the PRESTWICH area I feel the extremely late opening times to serve and supply alcohol is unacceptable.

> I would recommend opening times SUNDAY TO THURSDAY 10.00 TO 11.00 Pm FRIDAY/ SATURDAY 11.00am to 11.30.pm and New YEARS DAY 12.00 am to sell ,supply alcohol.

> This would be a-fair schedule to trade.

> Please note there is nothing worse then not getting a good nights sleep because of the late nite opening and for people to hang around and make noises .

> I wish the new tenant / owners success but Hope Bury Council makes sure the supply and sale of alcohol times are given understanding there is a large apartment communal block above unit 3.

> I look forward from your reply,

> Yours sincerely

—Original Message—

From: Cllr Powell, Michael <M.Powell@bury.gov.uk>

Sent: 04 March 2021 06:28

To: Stansfield, David <D.Stansfield@bury.gov.uk>

Subject: Prestwich Social Unit 3, Radius Scheme, SE side Fairfax road, Prestwich Licence Application

Hi David,

Hope you are well, sorry for the delay but I wanted to get in touch with a representation about the above application (I believe the 28 day period ends tomorrow). I did previously send this last month during the consultation period for the original application and I was unsure whether it needed to be sent it across again. If you could please make sure this reaches where it needs to for consideration, that would be really appreciated.

"I recently held an online meeting with some residents of the Radius (the name given to the flats located above the concerned premises). A number of residents have reservations around the proposed closing time of 1am on Friday and Saturday evenings. There were a number of reasons for this, particularly concerns around noise disturbing young families and shift workers residing in the flats. There were also issues around noise and anti-social behaviour under the last licensee and I think this is contributing towards some anxiety amongst residents. These residents wondered if there was any possibility for the closing time on these days to be brought forward by one hour to 12am (inline with the rest of the week)."

Many thanks,
Michael

Cllr Michael Powell
Liberal Democrat Councillor for St Mary's, Bury Council Liberal Democrat Group Leader, Bury Council

Subject: Notice of application for a premises licence for TLS2 Bars Ltd for Unit 3, the Radius scheme. Fairfax Road, Prestwich, M25 1AS to permit the sale of alcohol and to allow the holding of regulated entertainment to include the following: Music, playing of recorded sound, Late night refreshment.

I trust this letter finds you well.

I hope that this letter may still be considered as I have only just found out about the application.

I am currently a tenant of [REDACTED] which is located above the premises in question I have resided here for just over 2 years and have experienced first hand the difficulties we as residents of this building have had with previous tenants in terms of noise and anti-social behaviour from the below premises.

I appreciate that these are new tenants and we may not experience the same issues that we have previously and they need to operate a business but I think this should be done in a fair manner that does not disturb the residents living here.

My observations based on previous experience and concern regarding the new lease are the following

- Due to the hours requested for the premises to be open at closing time there is often a lot of noise from patrons leaving the bar
- The music played has been extremely loud and resulted in numerous complaints and requests to play at an acceptable volume.
- The patrons stand outside and smoke and the noise travels to the above residential flats.
- There have been altercations and fights outside the bar which have also resulted in the police having to attend.

I would request that consideration in providing the licencing for the premises reduce the operating hours during the week for alcohol to stop being sold at 11pm and the bar close at 12pm on weekdays and not allow music/regulated entertainment or sale of alcohol past 12pm on weekends.

Please may there also be consideration to noise from patrons outside the premises and make it the lessees responsibility to manage and disperse crowds and not allow patrons to congregate outside our building to smoke (the shelter is often used as a smoking area when it is raining).

If there are further noise complaints the lessee will be required to install sound proofing to the bar or cease music/ entertainment.

As a resident the responsibility has previously fallen on us to try and resolve issues with the previous lessees which has resulted in a lot of frustration and spanned over months as we are making you aware of the issues ahead of granting the lease and from what I understand to be true there are records of previous issues with previous tenants. I believe that if this lease is granted the onus should be on the licensing department to ensure compliance and if any issues are raised to resolve these.

In the instance that any of these issues occur please may you advise how you will resolve these in detail:

- Anti-social behaviour
- Noise complaints
- Operating outside of the licensing terms
- Smoking

In the instance that your commentary in the above does not meet your actions in future please may you explain in detail how this will be resolved.

Thank you in advance for considering my observations

Kind regards

An application has been made for a premises licence for Unit 3, Radius & I would like to express my concerns about the above application.

I am disabled, suffering with Multiple Sclerosis & do not want music being played loud & late & as I can hear it from my apartment. I find myself fatigued due to MS & have enough trouble sleeping as it is. This would DIRECTLY affect my sleep & have a detrimental affect on my health.

I also work from home & it would be a problem as I work on the phones in a call centre environment.

I would like to reject the application due to health concerns & a conflict with my work.

Please take my concerns seriously.

Many thanks

To whom it may concern,

I believe a premise licence application have been submitted to Bury Council for Unit 3 Radius, Prestwich, Longfield Centre for the sale/supply of alcohol from 11am to midnight on Monday to Thursday/ Sunday and 11am to 01:30am on Fridays and Saturdays.

I have concerns with the application's opening hours due to noise nuisance and serving alcohol during late hours. I live at [REDACTED], and have been living here for the past 5 years. When the previous pub, Orange Tree was open there have been anti social issues, alcohol related issues and the noise nuisance. I believe should there be another alcohol related establishment open, there will the possibility of repeated issues as mentioned above.

I would like to express my rejection of the application as due to COVID, I'm working from home permanently and do not want the prospect of an establishment serving alcohol at late hours that can potentially be injurious to my health.

Kind regards