Minutes of: **LICENSING HEARING PANEL**

Date of Meeting: 1 April 2021

Present: Councillor S Walmsley (in the Chair)
Councillors T Holt and I Schofield
M Caveney (Legal)

Also in attendance: Councillor M Powell & Police Constable (P.C.) G. Scott

Public Attendance: The Hearing was live streamed to the public.

Apologies for Absence: A Lomax

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1 APOLOGIES FOR ABSENCE

The Head of Trading Standards and Licensing, Angela Lomax.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Panel held virtually on the 6th October 2020 were attached to the agenda.

Resolved:- That the minutes of the LHP held virtually on the 6th October 2020 be approved as a correct record.

4 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

The Applicant 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.

The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

Representations were received within the appropriate period by the Licensing Authority.

All written representations were contained within the written submissions provided in the report to the Panel.

All documentary evidence comprising the application, the report provided with the agenda and representations were served on all parties in advance of the hearing.

The proposed operating schedule shows the following:

a. Supply of alcohol – For consumption On/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 & 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

It was reported that since the application had been submitted, Greater Manchester Police (GMP) had submitted a representation requesting that the Panel do not grant the application as submitted. Since then, mediation between GMP and the Applicant took place and they have accepted the proposals attached in Appendix 1.

During the Panel Hearing, the Panel heard oral representations from the Applicant Mr D. Waldron and his business partner Mr B. Collier. They outlined their previous work history and some of their current businesses. They outlined their plans and vision for the premises and stated that there were operational differences in the manner in which they would operate their business in comparison to the previous tenants.

There was a business plan in place to avoid previous issues, they hoped to attract a new customer base and create a safe venue and provide an asset to the local area. Prior to the Panel Hearing the Applicant had hosted two Zoom meetings with concerned residents and hoped that any objectors to the application would become customers when they saw how the business was managed. Their aim is to make a safe venue by adopting an appropriate music and pricing policy. They stated that they would have signage asking customers leaving the premises to be mindful of their resident neighbours.

A local resident, informed the Panel that on a number of previous occasions they had complained of anti-social behaviour issues. The later closing time had caused concerns due to the proximity of residential apartments along with smoking and litter outside the premises. All these factors could impact upon resident's well-being with smoke in the atmosphere and disturbed sleep patterns.

Another local resident, questioned the acceptability of a mixed residential and commercial area, going on to state that one bedroom window was only 7 metres away from the front door of the premises. Factors such as smoking and blocking doorway access to the apartments would be hard for the Applicant to manage due to the area being a public footpath. He also asked the police if 95 call outs to the previous business at the location in the last 10 years was acceptable compared to other similar businesses in the area.

P.C. Scott stated this was a fresh application, the previous business was no longer running and that 95 reports in 10 years was not high.

On behalf of local residents, Cllr. Powell stated that one of the main concerns was the closing time on a Friday and Saturday evening. A number of residents had young families; some were shift workers and they expressed they had concerns regarding disturbed sleep.

Another local resident questioned whether a staggered dispersal of customers was the correct thing to do when other venues closed at different times. He also asked whether Public Health England views on the health of local communities had been taken into account as the impact on sleep together with mental health and general wellbeing could be impacted by late night closing.

The Licensing Manager, Mr Bridge explained that this was a new licence application and had no connection to the previous owner. Mr Bridge also explained that any resident could subsequently instigate a Licence Review should they feel that a licence holder was not adhering to the conditions of their licence.

All parties were offered the opportunity to sum up their case.

P.C. Scott was aware of the resident’s concerns and would work with the licensee and was willing and able to deal with any issues that may arise.

The Applicant added that whilst a pavement licence had not been applied for, they were keen to resolve smoking related problems. They were willing to have ongoing meetings with residents once they were operating. The Applicant stated reiterated that there was a no admission policy after midnight and a Designated Premises Supervisor would be on site during opening hours. Signage would also be displayed to inform customers to respect local residents when leaving the premises.

Mr Bridge clarified that live and recorded music for up to 500 people could be played until 11.00pm and the licence part of the application for music, only applied only after this time.

Councillor Powell thanked the Applicants for their engagement and answering questions raised by local residents. The Applicant Mr D. Waldron was willing to continue open communications with regular meetings between residents.

The Panel then duly retired to consider the application.

The Members of the Panel were advised by the Legal Officer, Mr Caveney as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

a) the prevention of crime and disorder
b) public safety
c) the prevention of public nuisance
d) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

a) the Council's published Statement of Licensing Policy
b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in April 2018

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives together with relevant representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

FINDINGS

The following facts were found:

The Panel took into account the representations and submissions of the Applicant and their intentions to continue working with local residents should any issues arise and promote that this continues.

The Panel noted the experience of the Applicant in the licensing industry and no policing issues at other venues.

The Panel considered representations made by members of the public, residents and Cllr Powell, particularly noting concerns regarding disturbed sleep.

Delegated decision

1. **That the premises licence be granted unanimously as set out in the operating schedule subject to the operating amendments listed below under the grounds of prevention of public nuisance:**

   - A change to the supply of alcohol on a Friday and Saturday being amended to 12.30am from 1.00am;
   - A change to the opening times on a Friday and Saturday being amended to 1.00am from 1.30am.

a. Supply of alcohol – For consumption On/Off the Premises.
   Monday to Thursday 11.00 until 00.00
   Friday to Saturday 10.00 until **12.30**

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 & 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 **01.00**
New Year's Day 00.01 until 03.30

2. That the following conditions are attached to the licence:

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.

Before closing the meeting, the Chair and Members of the Panel placed on record their thanks to all Officers involved in organising and hosting virtual Licensing meetings over the past 12 months due to the Covid pandemic.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.00pm and ended at 2.24pm)

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