

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 7 July 2021

Present: Councillor S Walmsley (in the Chair)
Councillors T Holt and J Lewis

Also in attendance: J Witkowski (Legal)
M Bridge (Licensing)
M Cunliffe (Democratic Services)

Public Attendance: S. Faud

1 APOLOGIES FOR ABSENCE

B. Thomson.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING(S)

The minutes of the last Licensing Hearing Panel(s) held virtually on the 9th June 2021 and 16th June 2021 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Panel(s) held virtually on the 9th June 2021 and 16th June 2021 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF THE DEN, NEW VICTORIA MILLS, WELLINGTON STREET, BURY, BL8 2AL

The Licensing Authority received an application for a premises licence for The Den, New Victoria Mills, Wellington Street, Bury, BL8 2AL, from Den Contracts NW Limited, Manor House, St Thomas's Road, Chorley, Lancashire, PR7 1HP. At the time of the application, under Part 3 of the Licensing Act 2003. No proposed Designated Premises Supervisor (DPS) had been identified.

The hearing of this application, had originally been set for 9 June 2021 as prior to that hearing, the Licensing Authority received relevant representations pursuant to the Licensing Act 2003, from two Responsible Authorities, namely Greater Manchester Police (GMP) and Greater Manchester Fire and Rescue Service (GMFRS), together with another interested party.

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 sub committee.

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

The proposed operating schedule shows the following:

- a. Performance of Plays (Indoors)
Monday to Sunday 10.00 to 03.30
- b. Films (Indoors)
Monday to Sunday 10.00 to 03.30
- c. Supply of alcohol- For consumption On and Off the Premises
Monday to Sunday 10.00 to 03.30
- d. Hours open to the Public
Monday to Sunday 10.00 to 04.00
- e. Live Music (Indoors)
Monday to Sunday 10.00 to 03.30
- f. Playing of Recorded Music (Indoors)
Monday to Sunday 10.00 to 03.30
- g. Performance of Dance (Indoors)
Monday to Sunday 10.00 to 03.30
- h. Anything of a similar description to that falling within (e), (f) or (g)
Monday to Sunday 10.00 to 03.30
- i. Provision of Late Night Refreshment (Indoors and Outdoors)
Monday to Sunday 23.00 to 03.30

The Licensing Manager, Mr M. Bridge reported that this application had been adjourned in the public interest at a meeting on the 9 June 2021 to facilitate further mediation between the Responsible Authorities and the other interested party. He went on to confirm that agreement had been reached with the Applicant and GMP as to additional conditions to be attached to the licence. In addition, the Sub-committee was advised that GMFRS had withdrawn their representation on the basis that the Applicant had agreed to accept that an additional condition be attached to the license, that the premises will not carry out any licensable activities unless and until the fire authority have confirmed to the licensing department at Bury Council that they are satisfied it is safe to do so from a fire safety perspective.

In relation to the other interested party, the Licensing Unit Manager stated that after discussions between the parties, agreement had been reached and the representation withdrawn.

Miss S. Faud representing the applicant explained to Members and Officers present that a premises licence wanted to be obtained first prior to any development works at the venue taking place. They would fully comply with the conditions issued by the police and fire service and would like to open in 3-4 months' time.

Members asked would discussions continue with local residents and it was explained how a good relationship had been developed and keeping in contact would continue.

The Council's legal representative provided advice as to conditions from the fire service that the licence holder provide assurance that they would not trade until the conditions had been met, as the sub committee's duty was to ensure that this was in line with the licensing objective as to public safety.

Miss S. Faud confirmed that until the fire service officer is satisfied that conditions have been met, they would not trade as they would not want to be in breach of the conditions. In addition, she advised that there remains an active Prohibition Notice on the premises preventing the premises being used as a Place of Assembly/Entertainment or as an Events venue and that the premises still needs to meet the requirements of the Regulatory Reform (Fire Safety) Order 2005. All necessary visits and inspections will be carried out in due course by GMFRS to ensure compliance with all those requirements. Miss Faud also confirmed that the Licensing Authority would be kept informed.

The Sub-committee then duly retired to consider the application.

The Members of the Panel were advised by the Legal Officer 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.

Delegated decision

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding all of the representations and assurances made by the Applicant and in view of the agreement reached between the Applicant and the Responsible Authorities, the

Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed unanimously, to grant the application for a Premises Licence, subject to the following conditions being attached to the Licence;

- 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 31 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 24 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. However, in circumstances of serious assault or disorder CCTV will be provided before end of business that day.
- 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.
- A personal licence holder must be contactable when the premise is open to the public.
- Four (4) members of Door security staff must be employed at the premises every day when open to the public between the hours of 1900 (7PM) and close of business.
- 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.
- Door security staff employed to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.
- 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.
- 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.
- The premises are to maintain an incident book to record the details of incidents / crime / descriptions of individuals involved. The incident book

must be made available to the Police/authorised officers of the Licensing Authority on request.

- The premises must have a written zero tolerance drug policy in place and signage inside the premises must be displayed informing patrons of said policy. Any illegal drugs found on a person must be reported to the police immediately and without delay.
- 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. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
- The DPS/ Licence holder must ensure members of staff are adequately trained with regard to First Aid.
- There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
- The Designated Premises Supervisor/ personal licence holder must develop and operate a dispersal policy for clientele leaving the premises this may include links to taxis and other transport providers.
- Clientele must not be admitted to the premises after 03.00 (3am).
- 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.
- 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.
- All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
- On occasions when the premises are used/hired to hold an 18th or 21st Birthday party, An additional two (2) SIA registered security staff is to be employed at the premises for the duration of the function.
- 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.
- At an appropriate time before closing time, announcements should be made reminding customers to leave quietly.
- 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.
- 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.
- All alcohol must be stored behind the counter or in an area inaccessible by customers.

- No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
- The premises will not carry out any licensable activities under the authority of this premises licence unless and until the fire authority have confirmed to the licensing department at Bury Council that they are satisfied it is safe to do so from a fire safety perspective.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.00pm and ended at 1.31pm)