



Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	29 March 2022
Title of report:	Application for a Variation to a Premises Licence under the Licensing Act 2003 in respect of Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	East

Executive Summary:

This report relates to an application to vary a Premises Licence under section 34 of the Licensing Act 2003 in relation to Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH in respect one representation has been received from an interested party.

Recommendation

Options & recommended option

- To refuse the application
- To grant the application in the terms requested
- To grant the application subject to conditions
- To amend or modify existing or proposed conditions

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:

A GM-wide Equality Impact Assessment has been undertaken and a copy is available on request.

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.*

The public sector equality 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:

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.

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

Term	Meaning
DPS	Designated Premises Supervisor

Background papers:

Application form
Representation received

1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are 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 Hidden Bar Bury Limited, Unit B, 24 Silver Street, Bury, BL9 0DH. Miss Stephanie Halton, 17 Seymour Court, Radcliffe, M26 2UE is the Designated Premises Supervisor (DPS) at these premises.

- 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 Variation of a Premises Licence under Part 3 of the Licensing Act 2003:

The Current operating schedule shows the following:

Supply of alcohol – For consumption On the Premises.

Monday to Sunday 12noon to 02.30am

Provision of Live Music (Indoors)

Monday to Sunday 12noon to 03.00am

Provision of Recorded Music

Monday to Sunday 12noon to 03.00am

Provision of Late-Night Refreshment

Monday to Sunday 23.00 to 03.00am

Hours open to the Public

Monday to Sunday 12noon to 03.00am

3.2 Proposed Variation – Opening Hours

Supply of alcohol – For consumption On the Premises.

Monday to Sunday 12noon to 04.00am

Provision of Live Music (Indoors)

Monday to Sunday 12noon to 04.00am

Provision of Recorded Music

Monday to Sunday 12noon to 04.00am

Provision of Late-Night Refreshment

Monday to Sunday 23.00 to 04.00am

Hours open to the Public

Monday to Sunday 11.00amoon to 04.00am

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

4.1 Greater Manchester Police have been mediating during the representation period with the applicant prior to today's hearing and they have accepted the conditions contained at Appendix 1.

5.0 REPRESENTATIONS FROM INTERESTED PARTIES

5.1 One relevant representation has been received from an interested party against this application a summary of this is detailed below:-

- Crime and Disorder
- Two venues contained in the same building with patrons leaving from both venues at the same time into the alley

5.2 The representation is 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 1

Police Agreed hours with Applicant

Instead of the 4am closing we agreed a 3am last entry to the premises,

Supply of Alcohol to be Mon – Sun 1200 - 03.15am (Last orders) giving 30 minutes drinking up time and the premises would close at 03.45am

The opening hours would then be Mon to Sun 12.00 – 03.45

This would be reflected on the following

Provision of live music, Mon to Sun 12.00 – 03.45

Provision of Recorded Music, Mon to Sun 12.00 – 03.45

Provision of Performances of Dance, Mon to Sun 12.00 – 03.45

Provision of Late-night Refreshment Mon to Sun 1200 – 03.45

Drugs Policy Conditions - Zero tolerance policy to drugs

- All staff will complete drugs awareness training within 1 month of commencing employment, evidence of such training will be documented and signed by both the DPS and member of staff to confirm such training has taken place.
- Customers displaying any signs of being under the influence of drugs will be refused entry to the premises. If drugs of any sort are seized during any search, the items will be evidenced on the CCTV camera at the entrance to the premises and the police will be notified by contacting 101 from time to time (although this will not apply in every case, for example if a small amount of cannabis for personal use is confiscated). Greater Manchester Police will deal with the matter as part of daily business.
- Self-sealed numbered bags will be used to safely and securely store any drugs that are seized. Wherever possible, the bag will be sealed and signed in the presence of the individual(s) from who they were seized.
- Internal patrols shall be carried out in areas which are vulnerable to drug taking or supply, such as toilets or poorly lit areas as a minimum requirement every 30 minutes. The patrols will record within the incident book should any drugs be found on persons within the premises or drugs paraphernalia found within the toilets or other vulnerable areas.
- Staff will not approach any persons suspected of supplying controlled drugs. They shall be kept under observation and the duty manager or security personnel should be informed, the duty manager or security personnel should immediately contact the police for assistance in such circumstances.
- Any persons supplying controlled drugs shall be detained where it is possible and safe to do so and the police shall be informed.

- Any customer displaying signs of being under the influence of drugs within the premises will be cared for by a member of staff until assistance arrives.
- A lockable box for storage of confiscated substances will be installed on the premises the contents of which handed to the police.

Search Policy

- When employed, door staff will monitor customers as they queue and enter the premises.

In order to deter customers from bringing drugs and/or offensive weapons into the premises, no less than 1 in 10 customers entering the premises shall be searched.
- Signage will be placed outside the premises to advise patrons that they will be subject to searches from door staff and that the searches will be monitored by CCTV. Refusal to be searched will result in no entry to the premises.
- A CCTV camera and TV monitor will be placed at the entrance to the premises where searches are to be undertaken so that individuals who have drugs seized from their person can be identified. This will also provide evidential footage if any items are seized from the patron and act as a deterrent for patrons not to bring items into the premises.
- Those displaying signs of being under the influence of drugs or alcohol will be refused entry to the premises. If drugs of any sort are seized, they will be shown and evidenced on the CCTV camera at the entrance to the premises. The police will then be notified of items seized by the premises contacting 101 from time to time (although this will not apply in every case, for example if a small amount of cannabis for personal use is confiscated). The matter will then be dealt with by Greater Manchester Police within the course of daily business.
- If weapons are seized or if anyone is reasonably suspected of carrying a weapon, the weapon will be shown and evidenced on the CCTV camera. The police will be notified immediately by contacting 101. The matter will then be dealt with by Greater Manchester Police in the course of daily business.
- Door staff will be vigilant to the fact that adapted articles can be used as weapons but can be more difficult to detect. If any such items (e.g. jewellery, belt buckles) give cause for concern, access to the premises will be denied.
- Self-sealed numbered bags will be used to safely and securely store any drugs/weapons that are seized. Wherever possible, the bag will be sealed and signed in the presence of the individual(s) from who they were seized.
- All seizures will be fully recorded by the CCTV system and will be entered into the premises' incident log book.
- The items which are seized will be securely stored on the premises so that police officers can subsequently collect the items from the premises following the seizures.

TO PREVENT CRIME AND DISORDER

- The premises must be linked to a system of communication with the Police and other licensed premises as agreed with the Police and Licensing Authority. The system shall be kept in good working order at all times. When the premises are open to the public, the communications link to the Police and other licensed premises shall be switched on and available to and monitored by the Designated Premises Supervisor or a nominated member of staff. The system to be used to report incidents and warn each other of the presence of potential trouble makers in the area.
- The Premises will employ SIA door security staff which will be approved by the GMP licensing officer. A daily log must be maintained at the premises showing the full name, date of birth 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 & to Authorised Officers of the Licensing Authority on request. The Premises will employ SIA door security and be approved by the GMP licensing officer.

PUBLIC SAFETY

- Clientele must not be admitted to the premises after 0300hrs.

Appendix 2

Hello,

I would like to add my objection regard the application for the 4am license.

I believe this will affect the license objective of crime and disorder with two premises in the same building kicking out at the same time this will cause issues and will fuel customers being piled out on a alley at the same time.