

Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	25 April 2022
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Dixy Chicken, 41 Blackburn Street, Radcliffe, M26 1NR
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	Radcliffe East

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Dixy Chicken, 41 Blackburn Street, Radcliffe, M26 1NR

Recommendation

Options & recommended option

- 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:

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:

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

Term	Meaning
PLH	Premises Licence Holder

Background papers:

Application form
Representation received
Plan

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 is Adeel Khalid of 35 Clegg Street, Brierfield, Nelson, BB9 5JQ.

- 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. Late Night Refreshment – Indoors and Outdoors

Monday to Sunday 23:00 to 01:00

b. Hours open to the Public

Monday to Sunday 11:00 to 01:00

The conditions contained in the operating schedule submitted by the applicant are contained at Appendix 1.

4.0 REPRESENTATIONS FROM AN INTERESTED PARTY

- 4.1 One relevant representation, from an interested party has been received against this application. A summary of this is detailed below:-
- Young people may congregate late into the evening
 - Noise pollution
 - Litter

- 4.2 The representation is attached at Appendix 2.

5.0 Observations

- 5.1 After hearing the representation 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

The Prevention of Crime and Disorder

The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any incidents of disorder

Staff shall be trained to deal with challenging customers and customers who are under the influence of intoxicants. This training shall be repeated at no greater than 6 monthly intervals. There will be a zero tolerance to Drugs, appropriate notices will be displayed

Public Safety

The premises will be set up to ensure customer safety.
CCTV cameras will be in place to protect both staff and customers.

The Prevention of Public Nuisance

Customers will be encouraged to keep noise to a minimum when leaving the premises.
Notices will be displayed

Deliveries will be organised in such a manner as to ensure the minimum practical disturbance caused. As per the planning condition if applicable, otherwise deliveries shall take place between the hours of 07:00 and 18:00 hours Monday to Friday and between 08:30 and 18:00 hours on Saturdays. Not at all on Sundays or Bank Holidays.

The Protection of Children from Harm

Whilst there is no alcohol being provided, staff will be trained to look out for vulnerable young persons and to understand what action can be taken

Appendix 2

From: XXXXXXXX

Sent: 08 March 2022 16:14

To: Licensing <Licensing@bury.gov.uk>

Subject: Dixie chicken

I would like to object to the application to change the shop to a Dixie Chicken. Does Radcliffe need another take away? I believe that it will become a place for young people to congregate late into the evening. It will cause not only noise pollution but litter as well.

XXXXXXXXXX

XXXXXXXXXX close

Radcliffe