

Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	13 June 2022
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Northern Social, 275 Bury New Road, Whitefield, M45 8QP
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	Pilkington Park

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Northern Social, 275 Bury New Road, Whitefield, M45 8QP.

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.

Report Author and Contact Details:

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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
Plan
Representations 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 is Robert Peel Limited registered address, 35 St Thomas Road, Chorley, PR7 1HP and the Designated Premises Supervisor (DPS) at these premises is Kirsty Maher of 56 Granite Court, Prestwich, M25 1GW.
- 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:

Supply of alcohol – For consumption on and off the Premises.

Monday to Sunday 12:00 to 03:00

Provision of Recorded Music - Indoors

Monday to Sunday 23:00 to 03:00

Provision of Late-Night Refreshment - Indoors

Monday to Sunday 23.00 to 03:00

Hours open to the Public

Monday to Sunday 12:00 to 04:00

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

4.0 REPRESENTATIONS FROM INTERESTED PARTIES

- 4.1 Three relevant representation, from three interested parties have been made against this application a summary of these are detailed below:-
- Late hours
 - Noise
 - Waste from bottles and glasses
 - Close to residential properties
- 4.2 The representations are attached at Appendix 2.

5.0 Observations

- 5.1 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

The Prevention of Crime and Disorder

Full CCTV coverage of the premises inside and out

Comprehensive staff training

Using toughened glassware

Public Safety

Suitable risk assessments

Provision of a sufficient number of staff

Effective CCTV

Regular testing of procedures

No entry after 2.30am

The Prevention of Public Nuisance

Effective CCTV

Appropriate staff training

Control of operating hours

Soundproofing

Efficient collection and disposal of litter

Effective ventilation

No entry after 230am

1 hour to allow patrons to leave in an orderly manner

The Protection of Children from Harm

Extensive staff training in regards to the Challenge 25 policy

Limitation on when minors are allowed on the premises

Requirement that children must be accompanied by an adult

Appendix 2

From: xxxxxxxxxx
Sent: 14 April 2022 17:39
To: Licensing <Licensing@bury.gov.uk>
Subject: Re: Application 275 Bury New Road Kirsty May Maher

My private home address is:

xxxxxxxxxx

On Thu, 14 Apr 2022, 16:56 Licensing, <Licensing@bury.gov.uk> wrote:

Dear xxxx

That is the address of the premises, it is your address I need?

Thanks

David Stansfield

Senior Licensing Advisor

Operations Department

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From: xxxxxxxxx
Sent: 14 April 2022 16:12
To: Licensing <Licensing@bury.gov.uk>
Subject: Re: Application 275 Bury New Road Kirsty May Maher

Dear David

My address is 275 Bury New Road Whitefield, Manchester M45 8QP.

Many thanks

xxxxxx

On Thu, 14 Apr 2022, 14:52 Licensing, <Licensing@bury.gov.uk> wrote:

Dear xxxxxx

Please can you give me your full address so that I can lodge your representation on the system

Thanks

David Stansfield

Senior Licensing Advisor

Operations Department

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please visit www.bury.gov.uk/privacy to read our recently updated Privacy Policy which explains how Bury Council uses and shares your personal data to give you the best possible experience across our services.

From: xxxxxxxx

Sent: 14 April 2022 12:42

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

Subject: Application 275 Bury New Road Kirsty May Maher

Dear Sirs,

License Applicant Kirsty May Maher

Regarding the above application for a license at 275 Bury New Rd Whitefield M458QP.

My objections are as follows:

1) I feel that the playing of music and the sale of alcohol until 3am in the morning (as per the application) is ridiculously late and this late closure sounds more like the activity of a night club not a restaurant/bar. 11pm is the norm as this property is in a residential area not Manchester/Bury town centre.

It is the rowdiness and noise when people are leaving the premises which is going to be socially unacceptable.

2) We have owned the adjoining property at 273 for 37 years and it is currently used as offices. It is our intention in the future to apply for part change of use to a residential flat (it has been used for this purpose previously). Noise at an unsociable hour will be a problem for any future occupier of the property. Noise travels, especially to an adjoining property.

As stated we are objecting to a 3am license and the unacceptable noise that will be inevitable.

We were told by the owner that this was going to be a restaurant/bar and this application sounds like it is going to become a night club and we object to that. We do not object to what we originally understood was a restaurant trading normal hours until around 11pm.

Yours sincerely,

xxxxxx

-----Original Message-----

From: xxxxxx

Sent: 14 April 2022 22:11

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

Subject: Objection to application at 257 (Northern Social) Bury New Rd M45 8QP

Dear Sir/Madam, I am objecting to a planning application lodged by a Kirsty May Maher for a late night/early morning license at a new venue location 257 (Northern Social) Bury New Rd Whitefield M45 8QP.

>

> I object as a local resident living around the corner at xxxxxx. If the license is supported I expect to witness revellers walking past my property in the early hours of the morning on a regular basis. I already have this experience in the late evenings on weekends occasionally albeit this is something i can live with.

>

> I am not opposed to a license being granted albeit it should be one that mirrors the hours kept by other licensed establishments in the immediate vicinity.

>

> I object strongly to the requested business hours and I feel the new proprietor is being unreasonable to local residents by asking for such hours (serving till 3am!) to be permitted.

>

> Regards

xxxxxxx

Premise Licence Application Ref No: 1243

Description: New application of a premise licence for the Northern Social bar at 275 Bury New Road, Whitefield, M45 8QP

To whom it may concern.

I write to object to the opening hours of the above premise licence application for the following reasons.

1. Disturbance - The location of the bar is close to residential properties which would potentially lead to big crowds of drunken people and cars in the early hours of the morning. We have had some previous incidents of fights and smashed glasses outside our house and this is frightening for our child. There are no other bars in the area that are open as late which would lead to a mass amount of people in one location.
2. Sound - The noise pollution from the venue will travel around the area, as this is a residential area it will cause disturbance to the local residents especially late at night.
3. Waste - We have seen from other local venues that glass bottles and glasses are taken off the premises and left on the streets which eventually are smashed leaving broken glasses on public pathways. We have also had incidents of people urinating in the area.
4. Domino Effect - If the opening hours of the application is granted this could lead to other bars in the area to change their opening hours. Two examples of other local bars that have had trouble in the past are referenced below.
5. Unsociable hours.

There is no rational reason as to why the bar needs to open until 3am in a residential area. This could only lead to unsociable behaviour during hours that are unacceptable to the residents in the area leading further into disruption into the lives of residents such as being the fear of anti-social behaviour. If the bar was located in the city centre this could be understandable but in a residential area it is unacceptable and will cause disruption to lives.

<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/white-room-whitefield-fight-cctv-12588475>

<https://www.burvetimes.co.uk/news/18647796.goats-gate-pub-facing-licence-review-fight-drugs-claims/>

6. Justification - There is no great reason that the bar needs to be open until 3am when there are no other businesses in the area that are open.

Please could you consider the opening hours of the application with regards to the points I have made above. Most bars in the area are open until midnight and this would be a more appropriate time to close.

Yours faithfully

[Redacted signature]