

Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	21 June 2022
Title of report:	Application for a Variation to a Premises Licence under the Licensing Act 2003 in respect of Major Hotel, 158-160 Bolton Street, Ramsbottom, BL0 9JA
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	Ramsbottom

Executive Summary:

This report relates to an application to vary a Premises Licence under section 34 of the Licensing Act 2003 in relation to Major Hotel, 158-160 Bolton Street, Ramsbottom, BL0 9JA in respect of which representations have been received from a Responsible Authority and 7 interested parties.

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:

M Bridge
Licensing Unit Manager
3 Knowsley Place
Duke Street
Bury
BL9 0EJ Tel: 0161 253 5209 Email: m.bridge@bury.gov.uk

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 The Elephants Trunk Ltd, registered address – 2 Longsight Road, Holcombe Brook, Ramsbottom, BL0 9TD. The Designated Premises Supervisor (DPS) is Ms Leigh Ann Wilson of Old White Horse, 12 Church Street, Ainsworth, BL2 5RT.

- 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 nature of the variation is to extend the current premises licence to cover the land adjacent (existing car park) to use this for consumption of alcohol and also for the retail sale of alcohol by way of a temporary structure that will be used as a service station (Bar). Different hours are proposed for activities both inside and outside the premises. The applicant also wishes to remove the current restriction for Good Friday in that the terminal hour for alcohol is 22.30.

The Current operating schedule shows the following:

Hours Open to the Public

Supply of alcohol – For consumption On and Off the Premises.

Monday to Sunday	11.00 until 00.00
Good Friday	11.00 until 22.30

Indoor Sport

Tuesday	20.00 until 23.00
Thursday	20.00 until 22.30

Live Music Indoors

Saturday	20.00 until 23.00
----------	-------------------

Recorded Music Indoors

Monday to Sunday	11.00 until 00.00
------------------	-------------------

- 3.2 It should be noted that the timings on this licence predate the implementation of the Live Music Act 2012 which now permits the premises to have regulated entertainment (Live Music and Recorded Music) Monday to Sunday between 8.00 until 23.00.

3.3 **Proposed Variation – Opening Hours**

Hours open to the Public

Indoor Area

Monday to Sunday 11.00 until 00.30

Outdoor Area

Monday to Sunday 12.00 until 21.00

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Supply of Alcohol - For consumption On and Off the Premises

Indoor Area

Monday to Sunday 11.00 until 00.00

Outdoor Area

Monday to Sunday 12.00 until 20.30

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Indoor Sport

Monday to Sunday 11.00 until 00.00

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Live Music Indoors and Outdoors

Saturday 8.00 until 23.00

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

Recorded Music Indoors and Outdoors

Monday to Sunday 23.00 until 00.00

Non-Standard Timings One extra hour for British Summertime, Christmas Eve, New Years Eve and Bank Holidays

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.
- 4.2 The applicant has volunteered further conditions on his Operating Schedule which are at Appendix 2.

5.0 REPRESENTATIONS FROM ENVIRONMENTAL HEALTH SERVICE

- 5.1 A representation from the Environmental Health Service has been made against this application (specifically against the sale of alcohol in the outside area between 12.00 to 21.00) a summary of this is detailed below:-
- Outside seating area very close proximity to residential properties
 - Noise created will carry to the properties causing a potential nuisance
 - Generator to power outside bar has potential to cause a noise nuisance
 - No barriers to deflect or reduce the noise.

- 5.2 The representation is attached at Appendix 3.

6.0 REPRESENTATIONS FROM INTERESTED PARTIES

- 6.1 Seven relevant representations from interested parties have been made against this application a summary of this is detailed below:-
- Nowhere to park with car park being used for seating area
 - Noise and disturbance to residents
 - Anti-social behaviour from customers
 - Rubbish

- 6.2 The representations are attached at Appendix 4.

7.0 Observations

- 7.1 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

- The premises including the outside areas will operate a fully functioning and effective CCTV system.
- All CCTV footage will be maintained for a minimum of 28 days and will be made available to responsible authorities on request.
- Any CCTV malfunction will be brought to the attention of the GMP licensing officer ASAP and in any case within 12 hours of the malfunction being identified.
- The premises will employ SIA door security on key dates such as New Year's Eve, Boxing day, the last Friday before Christmas day and on Sunday's of a bank holiday weekends during times deemed necessary by the DPS. The Designated Premises Supervisor will dynamically risk assess the requirement for door staff on other dates.
- The Designated Premises supervisor will keep and maintain an incident and refusals register. All incidents and refusals will be recorded in the register ASAP and in any case before the close of business on the day of the incident/refusal. The register will be maintained on the premises and made available for inspection to responsible authorities.
- The premises will operate a challenge 25 age verification policy. Any person appearing to be under the age of 25 will be required to provide photographic ID in order to establish that they are 18 years or over.
- The only acceptable forms of ID will be Passport, UK driving licence or any photographic ID bearing the holographic PASS logo.
- The Designated Premises Supervisor will ensure that any unattended glass wear will be removed from all outside area's as soon as practicable.

Appendix 2

- Plastic glasses will be used on outdoor serving station
- Signs to be erected to prevent public nuisance
- Windows and doors to be kept closed whilst live music is on
- Outside area to be completely closed by 10pm to prevent noise nuisance and will be completely fenced in

Appendix 3

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

Section 1 - Application Details

We object to the following Application:

Sale of alcohol from 1200 hrs to 2100 hrs in the outside area at:

The Major

158-160 Bolton Road

Ramsbottom

BL0 9JA

From 02/06/22 to 06/06/2022

Type of application. Temporary Event Notice

New Premises Licence

Application Number (if known):

Section 2 – Responsible Authority's Details

Responsible Authority's Details:

Please tick appropriate box:

<input type="checkbox"/>
<input type="checkbox"/>

Police

Fire Authority

<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input checked="" type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection
<input type="checkbox"/>	Weights and Measures
<input type="checkbox"/>	Licensing Authority
<input type="checkbox"/>	Immigration
<input type="checkbox"/>	Public Health Department

Full name:	xxxxx
Job Title:	Senior Environmental Health Officer
Tele number:	xxxxx
Email:	xxxxx
Address:	
<p>3 Knowsley Place</p> <p>Duke Street</p> <p>Bury</p> <p>BL9 0EJ</p>	

Section 3 – Representations	
<input checked="" type="checkbox"/>	We object to the application being granted at all
<input type="checkbox"/>	We object to the application being granted in its current form *
<p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</p>	
<p>You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).</p> <p>Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.</p>	

Section 3A – The Objectives	
To prevent crime and disorder	Please state your reasons:
Public safety	Please state your reasons:
To prevent public nuisance	<p><i>Please state your reasons:</i></p> <p>The outside seating area where patrons of The Major will be drinking, is in very close proximity to a row of terraced residential properties. Any noise created will quickly carry to these properties and potentially cause a noise nuisance. There are no barriers to deflect or reduce the noise.</p>

	<p>The outside seating area and bar located there, will be powered by a generator. This will also cause noise, which has the potential cause a nuisance.</p>
<p>The protection of children from harm</p>	<p><i>Please state your reasons:</i></p>

Section 3B – Suggestions/Further information

Signed:....xxxxxx..... Dated: 19/05/2022

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

Appendix 4

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

From: xxxxxxxx

Sent: 19 May 2022 09:03

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

Subject: Objection

Good Morning

I am writing to raise an objection to The Major Pub in Ramsbottom I believe it's reference 242 My objection to give permission is based on the following after living as it's neighbour for over 30 years These are the following reasons which needs to be taken into account

1:- There will be nowhere to park for people to attend these events as the car park for the pub will be closed whilst the events are taking place which in turn causes bigger issues for residents for them to park which creates confrontations (see this before on various events)

2:- Noise the residents when looking for relaxing weekend evenings

3:-neighbours being blocked in with Cars no being able to park (this happens all the time for residents on cal that street again this causes confrontations

4:- None of the residents have been consulted apart from 1 A4 paper outlining its intents in one window high up with a font size of 10

I urge you to consult with the residents properly and I urge you to consider parking restrictions and traffic issues before granting permission for this Once a proper consultation as been done with neighbours and surrounding residents in a timely manner rather than word of mouth of the pubs intentions

Regards

Sent from my iPhone

From: xxxxx

Sent: 20 May 2022 16:21

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

Subject: Licence for outside venue

I am writing to inform you of my objection to the outside venue proposed at the Major hotel Bolton st Ramsbottom . None of the local residents have informed of these plans except an A4 size poster in an upper window of the pub , that can hardly be seen or read . Where do the cars park when the car park is closed off ? Also there are many residents homes overlooking and nearby this venue that are going to be subjected to noise and disturbance till the early hours . xxxxxx

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

From: xxxxxx

Sent: 22 May 2022 22:19

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

Subject: 242 Major Hotel

Hello

I am writing to inform you of our objections to this pending application.

As a residents of very close proximity to this public house we already have issues with the amount of noise coming from here.

Our full address is

xxxxx

There has been the odd occasion of the car park being used for live performances and on a once a year occasion this has been something, though noisy and busy on the road, we can put up with. But I am very concerned about constant loud noise late at night that we already have from the outside area at the back of the Major. We have customers coming out of the gates to Urinate in the back lane where children walk. On one occasion when one man was shouted at to stop 2 other men came out of the gates and threatened us. The parking is very bad already and when football matches are on cars are parked across the opening of the back lane making it tight to get out. There are cigarette ends and rubbish thrown over the gates and it is not pleasant.

Going off when there has been performers on in the past in the car park it has been a nightmare. Loud noise, rubbish, cars parked illegally and a massive disturbance to a quieter part of Ramsbottom.

Since this landlord has taken over this public house has gone downhill. It is attracting some unfavourable people known in this community. It is unfair on the residents to have to put up with all the noise and harassment of having ongoing loud drunken noise.

We do not wish to have fights and damage to our property with this late license and large outside bar.

Which is actually already being built! So I am hoping that it hasn't already been given the go ahead as the date isn't until June.

There are signs outside on the path which block drivers view of the main road when trying to come out of Spring Street. Why they are next to the road rather than next to the Major on the path is beyond belief as it is dangerous. The bar staff smoke outside the front door already causing more rubbish on the path as they do not use a bin. There has already been an increase of arguments outside our house and we do not believe it is fair to make us put up with more of this.

I have also been talking to neighbours who are unaware of this pending nightmare. There are a lot of houses close to the Major with young and elderly people living there who should be made aware of this and have the opportunity to be able to voice any objections they may have.

I have also been informed they are having a 4 day party over the Jubilee weekend! Well there goes my nice quiet relaxing weekend after working extremely hard for the NHS. It should be a matter of fact to inform surrounding residents by a letter within a certain area and not an A4 piece of paper in 1 window of the Major. Which has small writing on and is printed badly.

I do hope that you take all my concerns into account.

Thank you for taking the time to read this.

Kind Regards

Xxxxxx

From: xxxxxxxx

Sent: 28 May 2022 15:29

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

Subject: Objection to Application ref 242 to vary the premises licence of the Major Hotel Ramsbottom under the Licensing Act 2003

Dear Sir/Madam

We write to object in the strongest possible terms to application reference 242 to vary the premises license of the Major Hotel, 158-160 Bolton Street, Ramsbottom, Bury BL0 9JA, under the Licensing Act 2003.

The said application seeks a variation of the premises license to permit live performances, playing of recorded sound, and other activities in an outside area, namely the Major Hotel car park.

The outside venue of the car park is wholly unsuitable for live performances and the playing of recorded sound, as such events inevitably give rise to considerable levels of intrusive noise (and have done so in the past when the same car park has previously been used for such unsuitable events).

The Major Hotel car park immediately borders on a large number of small residential terraced properties in close proximity in densely packed streets. The nearest of those residential properties is within a few feet of the car park boundary.

There are a large number of families dwelling in the nearby terraced properties, for whom live performances and the playing of recorded sound in the adjacent car park would be extremely intrusive and disruptive to everyday family life.

The fact that the license variation sought by the Major Hotel seeks to extend the time for such noisy events to as late as 00:30 hours significantly exacerbates the inevitable disruption of the local residents' daily lives, were the application to be granted.

There can be no doubt that the Major Hotel car park is wholly unsuitable for the staging of noisy events, such as the proposed live performances and the playing of recorded sound. Its use for such a purpose would significantly impair the quality of life of the numerous families residing in the immediate vicinity, and would inevitably impact negatively upon their physical and mental health and well being.

We must therefore urge the licensing committee to reject this wholly unsuitable and inappropriate application, for the happiness and well-being of the whole of the local community.

Yours faithfully

xxxxxxxxxx

From: XXXXXXXXX

Sent: 27 May 2022 19:30

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

Cc: Cllr. Pilkington, Tom <Tom.Pilkington@bury.gov.uk>; Cllr. Donnelly, Spencer <S.Donnelly@bury.gov.uk>

Subject: Open application 071604 Major Hotel, Bolton Street Ramsbottom

Dear Sir/Madam,

I wish to object to the granting of music to this pub in its outdoor spaces.

They requested permission to have live music on Saturday from 11.00 am to 23.00pm and recorded music till midnight though I see a further condition added in May22 says the outside will be closed by 10pm. Bar extra time at Bank Holidays.

I submit this pub is away from the town centre and music at any time outside the premises will cause disturbance to the large number of residential houses in the vicinity. We have experienced weekend music from this pub in the past which has been so loud it can be heard from a great distance.

Having music blaring out till 10pm would be very invasive and fill our afternoons and evenings with music not necessarily of our choice. It would affect our privacy and spoil the personal enjoyment of our gardens and back yards. It would also affect any persons wishing to sleep early.

We are concerned too that it would attract more cars. There is already lack of parking in the area with the terraced streets to the rear of the site already over filled with residents' parked cars.

I would like to point out that the Major Hotel it is in Ramsbottom's conservation area – see map attached. This should make the Council even more protective of the environment.

Yours

XXXXXXX

From: xxxxxxxx

Sent: 01 June 2022 00:39

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

Subject: Licence Application 071604

The Major Hotel, 158/160 Bolton Street, Ramsbottom, BL09JA

Premises Licence Variation Application 071604

With reference to the above application, please find below my observations to the application.

Parking

The outdoor area which is covered within the licence application is currently the carpark for The Major Hotel. This carpark has 16no parking spaces which if the application is approved will no longer be available to patrons of the pub. During operating hours the carpark is often full or nearly full with vehicles of patrons to the pub. I think it is inevitable that these vehicles will end up parking on the nearest road to pub without widespread parking restrictions; this road is Spring Street, Ramsbottom.

The pub carpark is accessed via Spring Street. Spring Street is a residential street which is already very crowded with vehicles belonging to the local residents. These parking difficulties are further compounded by the vehicles belonging to the residents of Bolton Street being unable to park in front of their residencies due to parking restrictions and during the hours of 07.00 – 18.00 by the staff working at the premises of the businesses on Caltha Street. Vehicles often park illegally on the double yellow lines outside the side of The Major Hotel on Spring Street and on the street to the left of the entrance to the carpark.

The bins belonging to the pub are also currently stored in the carpark with no evident alternative location for them. They should not end up on the roadway or pavement.

Noise

The Major Hotel carpark is directly adjacent to one residential property on Bolton Street and backs on to or faces several others on Stanley Street and Spring Street. All of these properties will be adversely affected by the noise of outdoor service. In the past the pub has held outdoor events and the noise has been significant.

The current licence conditions for the premises states that noise and vibrations should not emanate from the premises and that all external doors and windows should be closed during live music or entertainment. The door to a covered area at the rear of the current premises as well as windows are often open whilst music is playing, to the extent that both the bass and indeed melody can be clearly felt or heard in nearby houses.

Restrictions were put in place on the current licence for Good Friday. This was partly due to unruly behaviour at many of the licenced premises in Ramsbottom due to the tradition of the Rammy Mile. Also, in the past the police have had to be called to deal with anti-social behaviour at The Major Hotel and this was part of the reason behind the Good Friday restriction.

There is already noise at closing time from patrons leaving the premises, and this will not improve with outdoor seating.

Buildings and fences

A wooden fence has recently been erected around the car park and a wooden construction complete with felted roof and serving hatch has recently been built on the current carpark. If either of these structures requires planning permission I have not seen the application notice displayed. The height of this fence alongside the highways of Spring Street and Kerenhappuch Street are in excess of 1m in height. Similarly it may be that this new wooden structure is outside of the curtilage of the current licenced area being in the car park across the road from the Major Hotel and not directly adjoining the premises.

The wooden construction recently built is also within the Ramsbottom Conservation Area and could not be seen as preserving or enhancing the character of the area. If this structure is used as the bar for the outdoor area it will bring with it a risk of crime coming to the area as it may become a target for thieves.

General Environment

The carpark of The Major Hotel is across a public highway from the pub itself, with patrons having to cross Spring Street to access the two venues. The Major Hotel and the carpark are both within the area covered by the Ramsbottom section of the Public Spaces Protection Order. If there is increased foot traffic crossing the road between the two areas there is an increased risk of accidents, especially when alcohol is involved.

The prospect of an outdoor drinking area without direct linked access to the pub itself also brings with it the possibility of increased litter in the area, including that of drinking vessels and cigarette butts. There is also the likelihood of increased intrusion of second-hand cigarette smoke in the area.

Xxxxxxxx

From: xxxxxx

Sent: 02 June 2022 09:17

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

Subject: Application No. 071604-Major Hotel

We strongly oppose the above application for the Major Hotel to apply for variation changes to the licence, mainly the request to extend the live music hours to the outside premises.

The Major Hotel has just recently carried out a refurbishment to the car park to accommodate this.

Where are the pubs customers going to park their vehicles when visiting the pub. There is definitely not enough room on Spring Street itself and this will lead to severe congestion with cars parking and blocking residents from using the space outside their own premises. Also this will cause problems to Caltha Street directly behind the Major pub which will block residents on Bolton Street from entering their premises as constant vehicle access is needed to people that live there.

The loud noise outside from the loud music would have a detrimental affect to all the neighbours. This would also lead to the customers from the pub congregating along Spring Street and down the rear of Caltha Street.

We are not opposing that live music should carry on inside the pub as we understand that we need pubs in the town of Ramsbottom and The Major has always been a good pub.

Kind Regards

xxxxxxx