

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 13 June 2022

Present: Councillor G McGill (in the Chair)
Councillors S Donnelly and G Marsden

Also in attendance: M Bridge (Licensing)
M Cunliffe (Democratic Services)
J. Witkowski (Legal)
Ms K Maher (For the Applicant)
Mr and Mrs N Rose

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No other members of the public were in virtual attendance.

Apologies for Absence: L Jones (Deputy Licensing Manager)
Mr S Lyons
Mr M Murray

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by L Jones, Deputy Licensing Manager, Mr S Lyons and Mr M Murray.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Panel held virtually at 1.00pm on the 25th April 2022 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held virtually at 1.00pm on the 25th April 2022 be approved as a correct record.

4 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

The Licensing Authority received 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.

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.

The Applicant has complied with all the necessary procedural requirements laid down by the Act.

Representations were received within the appropriate period by the Licensing Authority from three interested parties.

The representations were contained within appendix 2 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 operating schedule was as follows:

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 were contained at Appendix 1 of the report.

The Licensing Unit Manager presented the report, which was agreed on behalf of the Applicant by Ms Maher.

Ms Maher then presented the application to the sub-committee. She referred to the application and reported that the later hours licence requested may not always be used but were requested for any events the Applicant may wish to run during those hours in the future. Ms Maher went on to state that the Applicant was happy to compromise and scale back opening hours and that the Applicant fully understood its duties and responsibilities. She referred to the fact the Applicant operates another business called the Northern Crafthouse, very close by and has done for over six years with no issues have been reported. Ms Maher advised that she and the Applicant work closely with the licensing authority and police to ensure their business runs smoothly and keeps people safe. She stated that the location was chosen as it was not near any residential properties and was based around businesses. In relation to the representations received, Ms Maher noted that the opening hours in her view would not impact on the business of Mr Rose and any music would be recorded music only, so as to create a relaxed atmosphere. The representation was from an accountancy business and it was felt the working times of the two establishments would not see a clash. Background music would be played in the venue and a noise survey had been undertaken with the building being in the middle of commercial properties close to good public transport links. The business would be casual dining and create a number of jobs and would be run in a professional way such as the Crafthouse. Discussions had also taken place with an Officer from GMP advising on door

security for the venue. She also advised that the emptying of bins would still be undertaken at certain restricted times.

The Licensing Unit Manager enquired if any agreements had been made with GMP and it was reported that the discussions had been held over the telephone and they were happy with the proposals.

Clarification was sought from the Council's legal representative that the conditions contained in the operating schedule submitted by the applicant in appendix 1 were a summary version displayed in bullet points and would follow in full the Council's licensing policy. Ms Maher agreed this was correct and apologised if this had caused confusion. She went on to state that the Applicant would follow the licensing objectives in full and the Licensing Unit Manager would attach these in full to the licence.

Members enquired as to the need for opening until 4.00am every night of the week and again Ms Maher indicated they were happy to compromise. She reported that the business was a different model and concept to the Craffhouse with a different customer base and there would be no entry after a certain time. If the hours were required to be scaled back then last entry at 1.00am would be preferred with closure at 2.00am.

A Member asked about the target customer base and Ms Maher advised that it would be aged 21-30 who live locally offering different food and drink such as a pizza oven and craft premium beers. She also referred to the provision of table games.

The representor, Mr Rose presented his position and commented that whilst he had an upstairs office next door to the proposed business, sounds travels through the building and it would affect his business during the day until his closed at 6pm. In addition, he stated that upon retirement he may wish to turn that into a residential use and this could prove problematic with a late night entertainment venue. Mr Rose went on to state that he felt there were establishments nearby that catered for this age range and asked for more information on the entertainment. Ms Maher reported that there would be no pool table or darts and items such as giant jenga, ping pong and shuffle boards would be available.

Mr Rose also queried if sound proofing could be installed in the building and stated that currently, after a weekend, used alcohol bottles were discarded on the floor outside his business and the situation could get worst. Mrs Rose added they would like a guarantee on soundproofing works and preferred an earlier closing time as they also rent out the ground floor shop which could be turned into residential use. She further added that a late licence could be applied as and when required for any events. Mr Rose also stated that an earlier closing time would be more suitable as there are residential premises close by which may be affected by music and crowds gathering at the premises, as well as leaving to go home.

Ms Maher responded that any building works would be conducted under relevant building regulation requirements and no development would be taking place to the upstairs of the building. The noise survey had been undertaken already and a copy would be provided to the Licensing Department.

All parties were invited to sum up.

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 the representations and assurances made by the Applicant, the Sub-Committee found there were causes for concern so far as the promotion of the licensing objectives were concerned, namely the objective of prevention of public nuisance, in that public nuisance would be caused to local residents from noise from people leaving the premises in the early hours of the morning and gathering outside the premises.

It was therefore agreed unanimously, that the Sub- Committee grant the application for the Premises Licence subject to the following hours and conditions being attached, as set out in the Council's Licensing policy, in so far as they relate to the matters set out in the Operating Schedule attached to the application, at Appendix 1 of agenda:-

1. Licensed hours;

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

Monday to Sunday 12:00 to 02:00

Provision of Recorded Music - Indoors

Monday to Sunday 23:00 to 02:00

Provision of Late-Night Refreshment - Indoors

Monday to Sunday 23.00 to 02:00

Hours open to the Public

Monday to Sunday 12:00 to 02:00

Last Entry 01.00

2. Licensed conditions;

The premises licence holder must ensure that:

- (i) CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
- (ii) The system records clear images

- (iii) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- (iv) The CCTV system operates at all times while the premises are open for licensable activities [or specify timings].
- (v) All equipment must have a constant and accurate time and date generation.
- (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- (vii) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

All staff authorised to sell alcohol shall be trained in:-

- (i) Relevant age restrictions in respect of products
- (ii) Prevent underage sales
- (iii) Prevent proxy sales
- (iv) Maintain the refusals log
- (v) Enter sales correctly on the tills so the prompts show as appropriate
- (vi) Recognising signs of drunkenness and vulnerability
- (vii) How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
- (viii) How to refuse service
- (ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
- (x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
- (xi) The conditions in force under this licence.
- (xii) Challenge 25

Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.

Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Bury Council.

The premises licence holder must use toughed glassware.

All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

The premises licence holder must have suitable risk assessments.

The premises licence holder must adopt the best practice guidance.

The premises licence holder must conduct regular testing of procedures.

The premises licence holder shall display prominent signage indicating [at any point of sale, at the entrance to the premises and in all areas where alcohol is located that the Challenge 25 scheme is in operation.

The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

The premises licence holder must ensure that no customer will be permitted to enter the premises after 01.00.

The premises licence holder must have a limitation on when minors are allowed on the premises.

The premises licence holder must ensure that all children on the premises must be accompanied by an adult.

Outside the premises, must be swept and/or washed, and litter and sweepings collected and stored.

Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.

Empty bottles which have been collected must be placed into locked bins when deposited outside

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

The dispersal of customers from the premises must be managed in accordance with the following:

- (i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- (ii) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.00pm and ended at 2.33pm)