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| Classification | Item No. |
| Open | |

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| Meeting: | Licensing Hearings Sub-Committee |
| Meeting date: | 2 February 2023 |
| Title of report: | Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Ravens Bar, 2a Wash Lane, Bury, BL9 6AS |
| Report by: | Executive Director (Operations) |
| Decision Type: | Council |
| Ward(s) to which report relates | East |

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Ravens Bar, 2a Wash Lane, Bury, BL9 6AS.

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:

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
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 and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Paul Clark, 29 Sanderson Street, Bury, BL9 6BP.
- 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. Recorded music - Indoors

| | |
|--------------------|----------------|
| Monday to Thursday | 23.00 to 01.00 |
| Friday to Saturday | 23.00 to 03.00 |
| Sunday | 23.00 to 01.00 |
| New Years Eve | 23.00 to 03.00 |

b. Supply of alcohol – For consumption On the Premises.

| | |
|--------------------|----------------|
| Monday to Thursday | 12.00 to 01.00 |
| Friday to Saturday | 12.00 to 03.00 |
| Sunday | 12.00 to 01.00 |
| New Years Eve | 12.00 to 03.00 |

c. Hours open to the Public

| | |
|--------------------|----------------|
| Monday to Thursday | 12.00 to 01:30 |
| Friday to Saturday | 12.00 to 03.30 |
| Sunday | 12.00 to 01.30 |
| New Years Eve | 12.00 to 03.30 |

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

4.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

4.1 Environmental Health have submitted a representation in their capacity as a Responsible Authority. The representation is contained at Appendix 2.

4.2 Greater Manchester Police have also submitted a representation in their capacity as a Responsible Authority. The representation is contained at Appendix 3. The Licensing Service are aware that discussions have taken place between the applicant's representative and Greater Manchester Police, and they have agreed elements of the representation but not all. This will require submissions from both parties at the hearing today.

5.0 REPRESENTATIONS FROM AN INTERESTED PARTY

5.1 One relevant representation, from an interested party has been made against this application. A summary of this is detailed below:-

- Noise from music

- Parking
- Busy road
- Potential for Crime and Disorder
- Rubbish

5.2 The representation is attached at Appendix 4.

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.

7.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

7.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

7.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

7.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

8.0 CONCLUSION

8.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

8.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.

8.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.

8.4 In making its decision with regard to this variation hearing, the steps the

Sub-Committee can take are:

- 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

- 8.5 All licensing determinations should be considered on the individual merits of the application.
- 8.6 The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 8.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 8.8 The Sub-Committee is asked to determine what steps, as set out in 8.4 above, are appropriate for the promotion of the licensing objectives.

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. 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
- (d) any faults in the CCTV system
- (e) any visit by a relevant authority or emergency service

The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice. Sia registered door staff at a rate of 1-50 will be on duty from 22.00 until the terminal hour each day.

Public Safety

The premise has smoke detectors and fire extinguishers

Prevention of Public Nuisance

Notices will be displayed requesting customers to leave quietly and respect the neighbours.

The outdoor seating area will not be used after 22.00.

I understand that a person's excessive alcohol consumption may have a detrimental effect residents in the immediate neighbourhood. As such, notices will be displayed informing customers it is illegal for my staff to sell alcohol to intoxicated people or for anyone to buy alcohol by proxy for those persons we consider to be intoxicated. Staff will be trained in refusal of the sale of alcohol to intoxicated customers. A record will be kept on the premises of all instances where the sale has been refused due to intoxication.

Protection of Children from Harm

All staff will be trained in Challenge 25 and sign to say they understand their role. Legal notices will be displayed to warn minors ID checks are used at all times.

A record of all incidents will be kept on site for inspection. Staff will undergo refresher training at 6 monthly intervals.

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form***Section 1 - Application Details***

We object to the following Application: PR42550 Ravens Bar, 2A Wash Lane, Bury BL9 6AS

Type of application. Premises licence

Temporary Event Notice

Application Number (if known):
PR42250

Section 2 – Responsible Authority's Details**Responsible Authority's Details:**

Please tick appropriate box:

| | |
|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Police |
| <input type="checkbox"/> | 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 |

| | | |
|---|---------------------------------------|--|
| | Immigration | |
| | Public Health Department | |
| Full name: | Rob Hall | |
| Job Title: | Unit Manager commercial premises team | |
| Tele number: | 0161 253 5526 | |
| Email: | r.a.hall@bury.gov.uk | |
| Address: Bury council, 3 Knowsley Place, Duke Street, Bury | | |

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* |

*If you choose this option remember to tell us in section 3B what changes you would like to see.

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).

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.

Section 3A – The Objectives

| | |
|-------------------------------|----------------------------|
| To prevent crime and disorder | Please state your reasons: |
|-------------------------------|----------------------------|

| | |
|----------------------------|--|
| | |
| Public safety | Please state your reasons: |
| To prevent public nuisance | <p>Please state your reasons:</p> <p>The proposed business is at the end of a row of terraced properties. The property next door is a business, however on the first floor along the row of terraced properties is living accommodation. Environmental Health is concerned that noise from the proposed business would have a detrimental effect on the residents in these properties. The potential from noise could be from within the business, talking, music the general use of a public house serving alcohol. Then there is the potential from noise from customers leaving the public house and congregating outside and potentially waiting for taxis. No planning application has been submitted whereby Environmental Health could have required a noise survey to be carried out to establish if there is the potential for a noise nuisance for the local residents.</p> <p>If the application is granted then the business must comply with the licensing policy, appendix 7, management of potential noise nuisance:</p> <p>One of the greatest irritations to residents trying to sleep is the sound of music escaping from licensed premises. Particularly at night when it is generally quieter noise will be amplified and provide more disturbance for residents. Clearly a responsible applicant will wish to further the licensing objective of preventing public nuisance by introducing adequate control measures.</p> <p>In relation to noise from within the building the Authority will expect the applicant to have considered the likelihood of any sound leakage from the premises. This noise could relate not only to music but also to equipment or patrons. If there appears to be a potential for sound leakage the applicant will be able to address this in practical ways such as:</p> |

| | |
|--|--|
| | <ul style="list-style-type: none"> • Keeping doors and windows closed and providing adequate mechanical ventilation • Reducing sound levels and installing a sound-limiting device to prevent sound exceeding the appropriate level • Installing soundproofing measures to contain sound and vibration • Music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused. <p>Excessive noise and/or disorder will require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. In terms of patrons leaving the premises, particularly late at night or early in the morning, the Authority will expect the applicant to have included in the Operating Schedule practical step to minimise problems, such as the examples given below, although there will be few premises that need to address all these:</p> <ul style="list-style-type: none"> • Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors • At appropriate times using the PA system to make announcements to the same effect • Instructing door staff to ask customers leaving the premises to leave the area quietly • Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down • Availability of licensed Hackney Carriage and Private Hire Vehicles to take patrons from the premises • In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it • Banning from the premises people who regularly leave in a noisy fashion • Increasing outside lighting levels, where practicable without causing further nuisance • Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after a specified time, or ensuring it is vacated 30 minutes before the terminal hour • Ensuring that customers are not permitted to take open bottles or glasses of alcohol out of the premises • Taking appropriate steps where necessary to deal with noxious smells and light pollution • Licensing objectives |
|--|--|

| | |
|--|--|
| <p>The protection of children from harm</p> | <p><i>Please state your reasons:</i></p> |
| <p>Section 3B – Suggestions/Further information</p> | |
| | |

Signed

A handwritten signature in black ink, appearing to be 'R. J. P.' or similar, written in a cursive style.

dated 19/12/202

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 3

Dear Licensing Authority, please accept this email as a formal representation to the current application for premises licence at Ravens Bar, 2A Wash Lane, Bury, BL9 6AS.

Greater Manchester police believe that the premises licence being granted as per the current application is likely to undermine the licensing objectives of:-

- The Prevention of Crime and Disorder
- The Protection of children from Harm

The prevention of crime and disorder.

The applicant has indicated that the premises will utilise SIA door supervisors at a ratio of 1:50 from 10pm until close.

The premises are situated on the outskirts of Bury town centre and the use of a single member of door staff is likely to leave the individual isolated and at risk in the event that they are required to intervene in any public order situations or make a lawful ejection from the premises.

The premises have failed to indicate how they would increase the number of door staff in the event of its capacity exceeding 50.

Greater Manchester Police have contacted the applicant's licensing consultant and outlined concerns, however no decisions have been fed back to GMP in relation to this matter.

GMP would consider appropriate the following condition;

The premises will employ 2x SIA door supervisors from 10pm until premises close each Friday and Saturday and from 8pm until close each Sunday of a bank holiday weekend.

The DPS/Licensee will conduct a dynamic risk assessment for any other key dates throughout the year such as the last Friday before Christmas day and, New Year's Eve and will employ door staff as required.

A minimum of 2 x door staff will be employed at any one time.

The Protection of Children from Harm

The current application indicates that the premises will adhere to a challenge 25 age verification policy, however has not indicated which forms of ID will be acceptable.

GMP would consider the following condition appropriate;

The premises will adopt a challenge 25 age verification policy. Any patrons appearing to be under the of 25 will be required to produce proof that they are aged 18 or over.

The only acceptable forms of ID will be

- Passport
- UK driving licence
- Any photographic ID bearing the holographic PASS logo

Any patrons unable to produce age verification on request will be refused service.

No persons under the age of 18 will be permitted in the premises unless accompanied by an adult responsible for the child's welfare.

No persons under the age of 18 will be permitted on the premises after 8pm.

Kind Regards

PC 15913 Pete Eccleston

Bury District Licensing Officer

Bury Prevention Hub

Bury Police Station

Dunster Road,

Bury, BL9 0RD

Office: 0161 856 2256

Mob: 07774219071

Email: peter.eccleston@gmp.police.uk

Email: burypreventionhub@gmp.police.uk

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> From: XXXXX
> Sent: 02 January 2023 11:57
> To: Licensing <Licensing@bury.gov.uk>
> Subject: 2a Wash lane Bury
>
> I would like to voice an objection to the application for a premise licence at 2a Wash lane Bury. There is already a public house on the opposite corner of an extremely busy cross road. The parking around here is already horrendous for people that actually live on this row of houses, we already have to put up drug dealers, drunks , rats and rubbish everywhere! The noise from music blaring out til 3am will be too much on top of all that. There are enough bars and night clubs and takeaways in Bury without adding yet another one. Shops and businesses are closing rapidly, the town needs good shops encouraging back to the town, not more bars . XXXXXX