



Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	4 July 2023
Title of report:	APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF CLUB 66, 24 SILVER STREET, BURY
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	East

Executive Summary:

This report relates to an application under section 37 of the Licensing Act 2003, from Club 66 D Limited, to vary the Premises Licence held by them, in respect of Club 66, 24 Silver Street, Bury, to specify a change of Designated Premises Supervisor (DPS). The Greater Manchester Police in their capacity as 'A Responsible Authority' have made a representation in respect of the application.

Recommendation(s)

That:

- To grant the application
- To refuse the application

1.0 INTRODUCTION

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is the relevant legislation.
- 1.2 The Licensing Hearings Sub-Committee 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.
- 1.3 Under the provisions of section 37(5) of the Act, where the chief officer of police notified of an application to specify an individual as a DPS, is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant Licensing Authority a notice stating the reasons he is so satisfied.

2.0 BACKGROUND

- 2.1 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 On the application form it has been requested that the application to have immediate effect under section 38 of the Act which allows the premises to continue to sell alcohol until such time that this application is determined or withdrawn.
- 2.3 Members will recall that consideration was given to a review of the premises licence submitted by Greater Manchester Police on the 13 June 2023 and members resolved to revoke the premises licence and to remove the designated premises supervisor outlined in this report.

3.0 THE APPLICATION

- 3.1 Paragraph 4.3 of the Guidance issued under Section 182 of the Licensing Act 2003, states: -

Any premises at which alcohol is sold or supplied where the requirement for a personal licence holder does apply may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence. However, the requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to be present on the premises or oversee each sale; it is sufficient that such sales are authorised.

- 3.2 The application from Club 66 D Limited names Ms Vicki Bebbington, of 23 St Mary's Road, Nantwich, CW5 5NU, as the new DPS. It is confirmed that Ms Vicki Bebbington is the holder of a Personal Licence granted by Cheshire East Borough Council.

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

4.1 Greater Manchester Police will shortly give their reason(s) for their representations in relation to this application which they request the Panel to refuse the application. The representation is attached at appendix One

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.

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

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.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
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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
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

Consultation:

Not Applicable

Legal Implications:

Yes, 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:

For further information on the details of this report, please contact:

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Background papers:

List of Background Papers: -
Application form
Representation received

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

Term	Meaning

Appendix One

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
<p>We object to the following Application:</p> <p>CLUB 66</p> <p>24 SILVER STREET</p> <p>BURY</p> <p>BL9 0DH</p>	
<p>Type of application.</p> <p>Transfer of premises license & Change of DPS</p>	
<p>Application Number (if known):</p>	

<i>Section 2 – Responsible Authority's Details</i>					
<p>Responsible Authority's Details:</p> <p>Please tick appropriate box:</p> <table border="1"><tr><td><input checked="" type="checkbox"/></td><td>Police</td></tr><tr><td><input type="checkbox"/></td><td>Fire Authority</td></tr></table>		<input checked="" type="checkbox"/>	Police	<input type="checkbox"/>	Fire Authority
<input checked="" type="checkbox"/>	Police				
<input type="checkbox"/>	Fire Authority				

<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input 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:	Peter Eccleston
Job Title:	Bury District Licensing Officer
Tele number:	07774219071 / 0161 856 2256
Email:	peter.eccleston@gmp.police.uk
Address:	
<p>Bury Police Station Dunster Road Bury BL9 0RD</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>	

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 accept this as a formal representation from Greater Manchester Police with regards to the application to transfer the premises license from Club 66 to Club 66 d limited which was received on Friday 26th May 2023 and change of DPS from Daniel Langford to Vicky Bebbington which was received on Tuesday 30th May 2023.

Although the change of DPS was received on the 30th May 2023, Daniel Langford sent an email to Bury Council Licensing Team requesting immediate removal from his position as DPS for Club 66 on Thursday 25th May 2023.

GMP is aware that there has been at least one breach of the premises license since the application to transfer the premises license was received on 26th May 2023.

GMP has reviewed Bury Council CCTV footage from the early hours of Monday 29th May 2023 which clearly shows that the operating schedule was blatantly breached. There were at least six occasions whereby customers have been all allowed entry into the premises either via the front or side doors past the last entry time of 3am with the latest being 03:49hours. Further to this, there were eight occasions where customers were observed leaving the premises past the closing time of 4am with the last customer leaving at 04:24hours.

GMP has already submitted an application to review the premises license due to very similar circumstances. This has yet to be determined however this incident highlights further concerns in relation to the management of the premises which has yet again, undermined the premise license operating schedule, the licensing objectives and therefore poses a potential risk to public safety.

Public safety	Please state your reasons:
To prevent public nuisance	<i>Please state your reasons:</i>
The protection of children from harm	

Section 3B – Suggestions/Further information	

Signed.....P. Eccleston.....

dated 05/06/2023

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

