

<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	29 January 2024
<b>Title of report:</b>	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of the Hideout Gastro Bar Limited, 2 Sherbourne Street, Prestwich, M25 3HB
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	Besses

### **Executive Summary:**

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Hideout Gastro Bar Limited, 2 Sherbourne Street, Prestwich, M25 3HB

### **Recommendation(s)**

- 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

#### **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 is The Hideout Gastro Bar Limited, 2 Sherbourne Street, Prestwich, M25 3BB and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Gregory Ryan Motler, 61 Pall Mall 18 Church Street, Manchester, M4 1PN
- 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 Where representations are made and not withdrawn Members are required to determine them.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 is attached at Appendix 1:

Since the submission of the application for a premises licence by the applicant, the hours of operation have been amended due to the applicant being contacted by Greater Manchester Police. Mediation took place and the applicant has agreed to the following hours:

### **Opening Times:**

Monday to Thursday	11:00 till 23.30
Friday and Saturday	11:00 till 00:30
Sunday	12:00 till 23:30

### **Supply of Alcohol (on the premises only):**

Monday to Thursday	11:00 till 23.00
Friday and Saturday	11:00 till 00:00
Sunday	12:00 till 23:00

The conditions contained in the operating schedule submitted by the applicant are contained at Appendix 2.

#### **4.0 REPRESENTATIONS FROM AN INTERESTED PARTY**

4.1 Two relevant representations, from interested parties have been made against this application. A summary of this is detailed below:-

- Fighting / Anti-Social Behaviour
- Noise/Loud Music
- Taxis
- Increase in licensed premises
- Residential area
- Patrons leaving
- Other venues in close proximity

4.2 These representations are attached at Appendix 3.

#### **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.

---

### **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.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>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.</i>	

---

**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
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:***

Mr M Bridge  
Licensing Office  
Town Hall  
Bury  
Telephone No: 0161 253 5209  
Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

---

**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**  
**Grant of Premises Licence for**  
**The Hideout Gastro Bar Limited,**  
**2 Sherbourne Street, Prestwich,**  
**M25 3BB**

# Appendix 2

## Operating Schedule submitted by the applicant

### **The Prevention of Crime & Disorder**

- The premises will operate an effective CCTV system which will be maintained in good working order at all times the premises is open for business. The type of system (YI 1080p) has motion detection and two cameras, which the positioning of is to be agreed in liaison with the police.
- The location of cameras will be recorded on the plan attached to the licence. The recording medium (e.g. discs / tapes / hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / Authorised Officers of the Licensing Authority upon request.
- The premises licence holder is to provide the police with the contact details of at least two members of staff (or other person(s) ) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.
- The premises licence holder must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
- Staff training shall take place on the Licensing Act and Licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.

### **Public Safety**

- The bar/restaurant will be fitted carbon monoxide and smoke detectors. there are no steps or other hazards. signposting of possible hazards
- Customers will be prevented from leaving the premises with glasses or open bottles. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.



- Only plastic glasses / plastic bottles/ toughened glass will be used in the outside areas.

### **The Prevention of Public nuisance**

- Prominent, clear and legible notices will be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
- We will ensure that 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 will 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.
- All external doors and windows will be kept closed when music is being played
- The outside area will not to be used for licensable activities or for the consumption of alcohol after 22.00 hours daily.

### **Protection of Children from Harm**

- The premises will operate a "Challenge 25" proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 will be asked to produce for thorough scrutiny by staff, proof of identity/age before being sold / supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram will be accepted as proof of age.
- The premises will maintain a refusals book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book will be made available to the police / authorised officers of the Licensing Authority on request.

# **Appendix 3**

## **Representations from Interested Parties**

# Representation 1

Licensing Unit Manager  
Level 2  
3 Knowsley Place  
Duke St  
Bury BL9 0EJ

[REDACTED]  
[REDACTED]  
14 December 2023

Dear Sir/Madam

I am writing to you to object to the proposed licensing/variation of premises for The Hideout Gastro Bar Ltd, 2 Sherbourne Street M25 3BB to allow the sale/supply of alcohol and allowing "entertainment and music" throughout the day and night including public holidays in the premises [REDACTED].

I really hope I'm not too late due to the Christmas post.

[REDACTED] of the entrance of this building (formerly known as "Hob Knobs") which will be open day and night.

Please can you give me assurance that there will be no repeat of the disturbances at night which occurred last time. There was a bar in those premises?

Already, I am woken at 5:00 a.m. by the bin lorries parking and backing into [REDACTED] at the side of this building and noisily emptying the bins at the back of current eateries next to "Bargain Booze".

I walk gingerly past the backs of these establishments with my shopping trolley, trying not to slip on the foodstuffs spilled on the footpath. The light attached to the wall of 1-6 Warwick St flats has been smashed by vandals or drug dealers who frequent this passageway at all hours. It has been reported but not repaired for months. It is dangerous for passers by but is the quickest route for me to go to Tesco past "All The Shapes" Bar and over the car park at the rear of NatWest bank.

It has been stressful coping with the deterioration of behavior of people drawn to the vicinity of [REDACTED] by drugs and alcohol.

The last time a licensing application was put forward for these premises, I seem to recall the Police were against it. Have you consulted them?

My neighbours and myself had to attend the Magistrates Court in Bury for the hearing and gave evidence. I think it was 1996. There are only two of us who would recall this. [REDACTED]

[REDACTED] will be most affected by noise and anti-social behaviour caused by a bar. She is frail now and very anxious. That license application was refused in 1996.

The Police were constantly attending the premises following fights there.

The stairs at the entrance/exit of the club are vertiginous and drunken fights were often spilling out onto the street outside. There were several falls. There were arguments in the street and

[REDACTED] Couples were using the grass for sexual encounters, urinating and leaving behind rubbish and vomit.

I'm sorry this letter is long but I just wanted you to have a picture of how reality might be should you grant this licence.

The Quality of life of the residents is important and you bear some responsibility for this.

Life in Prestwich has changed since I and my family moved and settled happily in 1962. A big part of this change is due to the increased volume of licensed premises. The recent opening of Icons Nightclub has begun to impact with increased flows of people heading noisily to taxi and transport hubs causing disturbed sleep here in the village.

Now I am retired from full-time work in a hospital, I see it for myself during the day as well as by night and it is so depressing.

I have seen car chases end below my windows. Police arrested a man following a chase of a white van along Bury New Road 3 weeks ago. The street was blocked entirely by police cars for a few hours waiting for the van to be taken by forensics. I worry that if a bar opens, the emergency services would be unable to access my block in an emergency here. Sherbourne St is often blocked by illegally parked cars ignoring the double-yellow lines because they need to shop quickly at Bargain Booze.

with increased flow of people heading noisily to taxi and transport hubs causing disturbed sleep here in the village.

Now I am retired from full-time work in a hospital, I see it for myself during the day as well as by night and it is so depressing.

I have seen car chases end [redacted]. Police arrested a man following a car chase of a white van along Bury New Road 8 weeks ago. The street was blocked entirely by Police cars for a few hours waiting for the van to be taken by forensics.

I worry that if a bar opens, the emergency services would be unable to access my block in an emergency here. [redacted] is often blocked by illegally parked cars ignoring the double-yellow lines because they need to shop quickly at Bargain Booze.

This issue will be exacerbated by drop-offs/taxis to and from a bar/restaurant/club. I'm worried what I will walk into in the dark on my way home from visiting my father in the care home as there are often groups of men waiting for drugs or someone to buy alcohol from the shop. I feel intimidated most days. I've worried constantly about my daughter's safety since she was a teenager and going out with her friends coming home in the dark. I still worry about her coming here to visit me. Things have got worse, never better.

I'm sure everyone in my situation would feel unhappy if a bar opened at the bottom of their garden path which is essentially what you will allow to happen to me if this licence is granted.

Yours Sincerely

[redacted]

# Representation 2

Licensing Unit Manager  
Level 2, 3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

15.12.2023

Dear Licensing Unit Manager,

I am writing to express my concern as it has come to my attention that an application has been submitted for an alcohol and entertainment licence for Hideout Gastro Bar Ltd, 2 Sherbourne Street, Prestwich, M25 3BB.

I am very concerned about this application primarily because my retired mother [REDACTED] to the property where the Hideout Gastro Bar would open. I believe that loud music plus intoxicated clientele leaving the bar would cause significant disruption and distress to my mother and other residents of [REDACTED] some of whom are young children and some of whom are elderly.

I grew up in [REDACTED] and now I visit my mother often, so am familiar with the area and I have noticed that [REDACTED] has become increasingly dangerous particularly outside [REDACTED]. [REDACTED] It is not well lit at all and not well covered by CCTV, and there are often groups of youths and other characters meeting up in the alley which connects Sherbourne Court to Warwick Street. Even in daylight, I feel scared to pass through and I already worry for my mother's safety on a daily basis.

I believe it is more likely that fights and antisocial behaviour will occur in this area [REDACTED] a licensed venue was to open on [REDACTED]. Again, this would be disruptive to sleep and cause distress for residents and increase burden on police and NHS services if there were more call outs. Additionally, I believe that there would be an increase in broken glass and litter in the area, and an increase in public urination in this area which obviously leads to it smelling worse and making the area seem even less respectable and hospitable. Therefore, I object to the licensing application.

Thank you for taking the time to read my concerns. I would really appreciate any help you can offer to make Prestwich village a safer and more pleasant area for families to live.