

Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	22 February 2024
Title of report:	Operational Report
Report by:	Executive Director (Operations)
Decision Type:	N/A Report for information only
Ward(s) to which report relates	All

Executive Summary:

A report to advise members on operational issues within the Licensing service.

Recommendation(s)

That the report be noted.

Key considerations

Not applicable

1.0 BACKGROUND

1.1 The report advises Members on operational issues within the Licensing service.

2.0 COMPLIANCE/ENFORCEMENT

2.1 The Licensing Service have dealt with the following compliance and enforcement matters for the following periods:-

2.2 **22 to 28 January**

Client

Complaint 4

Enforcement 11

Premises

Enforcement 14

Risk assessment 1

Vehicle

Enforcement 30

2.3 **29 January to 4 February**

Client

Complaint 8

Enforcement 6

Premises

Complaint 2

Enforcement 1

Vehicle

Enforcement 27

2.4 **5 to 11 February**

Client

Complaint 4

Enforcement 2

Premises

Enforcement 4

Vehicle

Enforcement 28

3.0 LICENSING HEARING SUB-COMMITTEES

- 3.1 On the 29 January 2024, an 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 was considered due to two representations from two interested parties being received by the Licensing Service. Members of the Sub-Committee decided unanimously that the Sub-Committee grant the application for a Premises Licence in the terms requested.

- 3.2 On the 10th January 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Overdraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ, because they believed that the premises was associated with Serious Crime and/or Disorder. The Licensing Authority must consider within 48 hours of receipt of the application whether interim steps are required pending a full summary review hearing. At the interim steps hearing, members decided unanimously resolved to modify the conditions of the licence in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean interim steps were necessary for amendments to the current premises licence under the licensing objectives recommended by GMP:-

Prevention of Crime and Disorder:-

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

On the 2 February 2024, the full summary review took place and members decided to The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and disorder. It was therefore unanimously resolved to modify the conditions of the licence in order to promote the licensing objectives.

The Sub-Committee also reviewed the interim steps and unanimously resolved to withdraw the interim steps in place due to these being included as new conditions on the licence.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean modifications were necessary for some amendments to the current premises licence under the licensing objectives recommended by GMP, these were as follows:-

Prevention of Crime and Disorder:-

- 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:
 - f- all crimes reported to the venue, or by the venue to the police
 - g- all ejections of patrons
 - h- any incidents of disorder
 - i- any faults in the CCTV system
 - j- any visit by a relevant authority or emergency service
- All licensable activity it to cease half an hour prior to closure to allow drinking up time and the safe dispersal of patrons.

Prevention of Public Nuisance:-

- Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.
- Those patrons who wish to smoke or vape would be directed to the beer garden at the rear of the premises.

Protection of Children from Harm:-

- The premises will operate a "Challenge 25" proof of age policy and signage to this is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must 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 should be accepted as proof of age.

An advisory issued by the Committee, included:-

- The quality of images from the external CCTV could be improved and an additional camera may be required or the existing CCTV re-positioned. The evidence presented at the meeting had demonstrated the following licensing objectives had not been met and failed the:-
 - The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance

The reasons by the sub-committee, included:-

- The serious nature of the incident.
- The new measures would help prevent any similar incidents in the future.

4.0 TRADE LIAISON MEETING – 15 FEBRUARY 2024

- 4.1** The Licensing Service held a Trade Liaison meeting with the taxi trade on the 15 February 2024, this was attended by representatives of the trade. The minutes of the meeting will be published in due course at:

<https://councildecisions.bury.gov.uk/ieListMeetings.aspx?CId=368&Year=0>

5.0 Engagement Exercise

- 5.1** Following the request from Members of the Licensing and Safety Committee on 1 February 2024, the Licensing Service have sent out 225 emails on 6 February 2024 and a reminder email on the 12 February 2024 to all vehicle proprietors to seek their views on the proposals to bring forward the transitional arrangements in respect of emissions by three months (April 2026 to January 2026). In addition to this the Engagement Officer has been contacting those affected to gain their views.

Community impact / links with Community Strategy

Not applicable

Equality Impact and considerations:

24. 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.*

25. The public sector equality duty (specific 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>
<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:

Risk / opportunity	Mitigation
None	.

Consultation:

Not applicable

Legal Implications:

Not applicable

Financial Implications:

Not Applicable

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

Term	Meaning
None	