

Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	5 September 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 **1 to 7 July**

Clients

Complaint 5

Enforcement 5

Vehicles

Enforcement 7

2.3 **8 to 14 July**

Clients

Complaint 3

Enforcement 4

Premises

Complaint 2

Multi Agency 10

Vehicles

Enforcement 9

2.4 **15 to 21 July**

Clients

Complaint 6

Enforcement 11

Premises

Compliance 3

Enforcement 10

Vehicles

Enforcement 6

2.5 **22 to 28 July**

Clients

Complaint 5

Enforcement 7

Operators

Enforcement 2

Premises

Complaint 2

Compliance 2

Enforcement 2

Vehicles

Enforcement 7

2.6 **29 July to 4 August**

Client

Complaint 6

Enforcement 8

Premises

Complaint 2

Compliance 3

Vehicles

Enforcement 4

2.7 **5 to 11 August**

Client

Complaint 1

Enforcement 1

Other 1

Premises

Complaint 1

Enforcement 1

Other 1

Vehicles

Enforcement 2

2.8 **12 to 18 August**

Client

Enforcement 4

Premises

Complaint 1

Enforcement 17

Multi Agency 2

Compliance 5

Vehicles

Compliance 10

Enforcement 7

3.0 LICENSING HEARINGS SUB-COMMITTEES

3.1 On the 5 August 2024, an application for the grant of a premises licence at Best Local, 62 Bolton Street, Bury BL0 0LL was due to be considered by the Licensing Hearings Sub-Committee. The application attracted a representation from Trading Standards in their capacity as a Responsible Authority. Members of the Sub-Committee heard the evidence and resolved agreed unanimously that the Sub-Committee refuse the application for a Premises Licence.

The Sub-Committee was therefore satisfied that on the balance of probability there was sufficient evidence presented that had demonstrated the following licensing objectives had not been met and failed the licensing objective:-

- the prevention of crime and disorder

The reasons given by the sub-committee, included: -

- Three failed Trading Standards test purchase operations in the store.
- An association with other stores that had also sold illegal vapes and cigarettes.

The Sub-Committee found the situation concerning with the premises operating in such a way to undermine the licensing objectives. The evidence and supporting documents presented were deemed sufficient evidence to refuse the licence.

3.2 On the 5 August 2024, an application for the grant of a premises licence at Asda PFS Blackford Bridge, Manchester Road, Bury, BL9 9ST was due to be considered by the Licensing Hearings Sub-Committee. The application attracted representations from Public Health in their capacity as a Responsible Authority and eight interested parties. Mediation had taken place prior to the Sub-Committee meeting between the applicant's representative and the Public Health Department, and it was agreed that the hours for the retail sale of alcohol off the premises would be reduced to Monday to Sunday– 06:00 till 00:00 rather than Monday to Sunday– 00:00 till 00:00 as applied for.

Members of the Sub-Committee heard the evidence and unanimously that the Sub-Committee grant the application for a Premises Licence in the amended terms requested.

3.3 An application for an expedited review was received from GMP on 24 June 2024 in respect of Sky Bar, Kay Gardens, Bury due to an incident of serious crime and disorder. A hearing was held on 25 June 2024. The Sub-Committee resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that these would be to modify the conditions to state that SIA registered door staff to be on duty at the Premises from 20:00 every night. The full review hearing was held on 19 July 2024. The Sub-Committee resolved to modify the conditions of the licence and the interim steps were

withdrawn. No appeal was made during the appeal period therefore the licence was issued with the modified conditions.

4.0 Fees and Charges

4.1 Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976, gives authority to a District Council to set the fees in relation to the Licensing of Hackney Carriage and Private Hire vehicles and also for Private Hire Operator licences. Having varied the fees the Council is required to advertise them in a local newspaper so as to allow persons wishing to object to them a period of 28 days from the date of publication of the notice to object.

The Licensing Service can confirm that no objections have been received during the 28 day period, therefore the fees have been implemented from the 22 August 2024

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	