

Classification	Item No.
Open / Closed	

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	28 July 2025
<b>Title of report:</b>	APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF FORBIDDEN BAR, 15-17 SILVER STREET, BURY, BL9 0EU
<b>Report by:</b>	Executive Director (Corporate Core)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	East

### Executive Summary:

This report relates to an application under section 37 of the Licensing Act 2003, from Forbidden Bar Limited, to vary the Premises Licence held by them, in respect of Forbidden Bar, 15-17 Silver Street, Bury, BL9 0EU 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of the Act which allows the premises to continue to sell alcohol until such time that this application is determined or withdrawn.

## **3.0 THE APPLICATION**

- 3.1 Paragraph 4.3 of the Guidance issued under Section 182 of the Licensing Act 2003 (Revised February 2025), 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 Forbidden Bar Limited, 15 Silver Street, Bury, BL9 0EU names Mr Jason Mark Smith, 18 Fern Street, Ramsbottom, Bury, as the new DPS.

## **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 in which they request the Panel to refuse the application. Greater Manchester Police are requesting the Members of the Sub-Committee give consideration to Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 is implement at the hearing. 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.

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## Community impact/links with Community Strategy

Not Applicable

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### 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>	

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### 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.	

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**Consultation:**

Not Applicable

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**Legal Implications:**

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

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**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.

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**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

# **Representation form Greater Manchester Police**

## **Responsible Authority Representation Form**

### *Section 1 - Application Details*

**We object to the following Application:**

**Forbidden Bar**  
**15 Silver Street**  
**Bury**  
**BL9 0EU**

Type of application.

Variation of DPS

Application Number (if known):

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

**Responsible Authority's Details:**

Please tick appropriate box:

<input checked="" type="checkbox"/>	Police
<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety

	Environmental Health Service	
	Child Protection	
	Weights and Measures	
	Licensing Authority	
	Immigration	
	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: Bury Police Station Dunster Road Bury BL9 0RD		

Section 3 – Representations	
<input checked="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>	
<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).</p> <p>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.</p>	

<b>Section 3A – The Objectives</b>	
To prevent crime and disorder	<p>Please accept this as Greater Manchester Police formal representation in relation to the application to vary the Designated Premises Supervisor at Forbidden Bar, 15 Silver Street, Bury.</p> <p>This representation relates to the previous conviction of the proposed DPS however due to the context of those convictions, GMP are requesting that this is kept out of the public domain and the hearing is held under Regulation 14 (The Licensing Act 2003 (Hearings) Regulations) conditions with the public, press and all other parties are excluded from the hearing.</p>
Public safety	
To prevent public nuisance	
The protection of children from harm	
<b>Section 3B – Suggestions/Further information</b>	

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

dated 01/07/2025

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