

REPORT FOR DECISION

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| Agenda Item | |
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| DECISION OF: | LICENSING HEARINGS PANEL |
| DATE: | 31st MARCH 2015 |
| SUBJECT: | APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF 626 MANCHESTER ROAD, BURY. |
| REPORT FROM: | ASSISTANT DIRECTOR DESIGNATE (LOCALITIES) |
| CONTACT OFFICER: | MR M BRIDGE |
| TYPE OF DECISION: | COUNCIL |
| FREEDOM OF INFORMATION/STATUS: | This paper is within the public domain |
| SUMMARY: | This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of 626 Manchester Road, Bury, in respect of which representations have been received. |
| OPTIONS & RECOMMENDED OPTION | <ul style="list-style-type: none"> 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 |
| IMPLICATIONS: | |
| Corporate Aims/Policy Framework: | Do the proposals accord with the Policy Framework? Yes No |
| Statement by the S151 Officer: Financial Implications and Risk Considerations: | There are no specific issues from the report other than potential costs/risks associated with legal appeals |
| Statement by Executive Director of Resources: | 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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| Equality/Diversity implications: | Yes No (see paragraph below) |
| Considered by Monitoring Officer: | Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation. |
| Wards Affected: | Redvales |
| Scrutiny Interest: | Internal Scrutiny Panel |

TRACKING/PROCESS

DIRECTOR:

| Chief Executive/ Strategic Leadership Team | Executive Member/Chair | Ward Members | Partners |
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| Scrutiny Committee | Committee | Council | |
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1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is 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 BACKGROUND

- 2.1 The applicant for the licence in respect of the above premises is Boxed Limited. Johanne Lee Banks of 6 Helmcroft, Helmshore, Rossendale, BB4 4DL, is the proposed Designated Premises Supervisor (DPS).
- 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:-

- a) the prevention of crime and disorder
- b) public safety
- c) prevention of public nuisance and
- d) protection of children from harm

2.5 Members may recall that the Bird I'Th Hand Public House situated at 628 Manchester Road, Bury was previously licensed in this location. On the 24th November 2011, a Licensing Hearings Panel considered a review application relating to the prevention of crime and disorder, public safety and the prevention of public nuisance. The Panel considered the application and decided to revoke the premises licence.

3.0 THE APPLICATION

3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

The operating schedule shows the following:

a. Supply of alcohol – For consumption On the Premises only.

Monday to Sunday 11.00 to 23.00

b. Opening Hours

Monday to Sunday 07.00 to 00.00

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

4.1 Greater Manchester Police made representations to this application but have agreed conditions with the applicant; the conditions are attached at appendix 1.

5.0 OTHER REPRESENTATIONS

5.1 Representations have been received from local residents by a petition and individual letters. The grounds of their representations are summarised as follows:

- Noise nuisance
- Anti social behaviour
- Parking issues
- The opening hours
- Taxis parking

5.2 All the representations were received before the end of the objection period.

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.

List of Background Papers:-

Application form
Representations received
Plan

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

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Bury
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Email: m.bridge@bury.gov.uk

Appendix 1

- The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. 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 or designated premises supervisor 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 24 hours from the time of the request. The premises licence holder or the Designated Premises Supervisor 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 when employment commences and subsequently a minimum of every six months after, 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.
- Customers will be prevented from leaving the interior of the premises with alcoholic drinks in glasses or bottles.
- Table and Chairs and any other outdoor furniture located outside the premises, must be removed, and stored away in a safe area not accessible to the public each evening, no later than 1900hrs.
- The DPS or premises licence holder must develop and operate a dispersal policy for clientele leaving the premises (this may include links to local taxi companies)
- Prominent clear and legible notices must be displayed at the exit requesting that customers respect the needs of local residents and to leave the premises and area quietly.
- No refuse shall be disposed of, or collected from the premises between the hours of 9pm – 7am where such disposal or collection is likely to cause disturbance to the local residents.
- The premises will operate a “Challenge or 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 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 to

be accepted as proof of age. Delivery drivers will be trained and will verify age of customers when delivering orders containing alcohol.

- All incidents shall be recorded in a sequentially bound 'incident' log. Each entry must record:
 - a. The name of the server;
 - b. Date and time of the incident;
 - c. Description of the incident, which may include:
 - i. Refusal to serve (and reasons);
 - ii. Suspicious activity;
 - iii. Crime and/or disorder;
 - iv. Remedial action taken (if any).