

REPORT FOR DECISION

DECISION OF:	LICENSING HEARINGS PANEL
DATE:	13TH MAY 2015
SUBJECT:	APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF SOLITA, 401 BURY NEW ROAD AND 2 CHURCH LANE, PRESTWICH.
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 Solita, 401 Bury New Road and 2 Church Lane, Prestwich (These are 2 adjacent properties), 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.
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:	St. Mary's
Scrutiny Interest:	Internal Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

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

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 INTRODUCTION

- 2.1 The applicant for the licence in respect of the above premises is S & L Pogson LLP, 5th Floor, The Margolis Building, 37 Turner Street, Manchester, M4 1DW. Mr Simon Pogson, 16-18 Waters Nook Road, Westhoughton, BL5 3HD 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

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/Off the Premises.

Sunday to Thursday	11.00 to 00.00
Friday and Saturday	11.00 to 02.00

b. Regulated Entertainment – Recorded Music

Sunday to Thursday	11.00 to 00.00
Friday and Saturday	11.00 to 02.00

c. Regulated Entertainment – Provision of Late Night Refreshment

Sunday to Thursday	23.00 to 00.00
Friday and Saturday	23.00 to 02.00

d. Opening Hours

Sunday to Thursday	11.00 to 00.30
Friday and Saturday	11.00 to 02.30

e. Non Standard Timings – for all licensable activities

- From the start of permitted hours on New Year’s Eve until the end of permitted hours on New Year’s Day.
- On the day that British Summer Time commences, one additional hour to disapply it’s effect.
- On Christmas Eve and Boxing Day 11.00 until 02.00.

f. Non Standard Timings – Opening hours

- From the start of permitted hours on New Year’s Eve until the end of permitted hours on New Year’s Day.
- On the day that British Summer Time commences, one additional hour to disapply it’s effect.
- On Christmas Eve and Boxing Day 11.00 until 02.30.

3.2 Members should note that this application relates to two adjacent properties, one currently has the benefit of a premises licence. If members are minded to grant the application, it is the applicant’s intention to surrender the existing premises licence once all the works have been completed in the building.

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

4.1 Greater Manchester Police made representations in relation to the application which were subsequently withdrawn as a result of the applicant agreeing to replace the conditions proposed in the operating schedule submitted with the application for the conditions that were contained in the representation. Those conditions are attached at appendix 1.

5.0 OTHER REPRESENTATIONS

5.1 Representations have been received from local residents in respect of this application. The nature of the representations received from local residents are summarised as follows:-

- Anti social behaviour
- Littering
- Noise
- Extra traffic including deliveries, servicing, taxis (noise nuisance) will only add to the congestion of the narrow lane

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:

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury
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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 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 12 hours from the time of request. The premises licence holder or the designated premises Supervisor must notify the licensing office or the in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.

On an annual basis the premises CCTV system must be maintained to any recognised specification and checked to ensure that is in working order.

- When SIA security door staff are employed, a daily log must be maintained showing the full name, date of birth and SIA badge number of the door security staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the police, to SIA inspectors and to Authorised Officers of the Licensing Authority on request.
- Staff training shall take place on the Licensing Act and Licensing objectives when employment commences and / or every twelve months 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.
- No person in possession of an alcoholic drink in an open or unsealed container shall be allowed to enter the premises except for the purposes of delivery or from moving from one part of the premises to another.
- 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, if it is safe to do so.
- The premises is to maintain a refusals book to record the details of any incidents / descriptions of individuals whenever an incident has occurred, staff have ejected a customer or a member of staff has refused to serve a customer. The book must be made available to the police / authorised officers of the Licensing Authority on request.
- No Glasses, Bottles or any container containing an alcoholic drink shall be permitted to be taken beyond the boundary of the outside area of the premises.
- Prominent clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

- Music and associated other noise sources (e.g. DJ`s and amplified voices) shall not be such as to cause a noise nuisance to noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding 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 are to be kept closed after 11pm save for access and egress when live entertainment or recorded music is in progress.
- No refuse to be disposed or collected from the premises between the hours of (10pm & 7am) where such disposal or collection is likely to cause disturbance to the local residents.
- Where the premises provide food to the public for consumption OFF the premises there shall be provided at or near the exits, one waste bin to enable the disposal of waste food, food containers and wrappings etc.
- The premises will operate a "Challenge 21" 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 21 must produce for thorough scrutiny by staff, proof of identity / age before being sold / supplied alcohol. Only a passport or a photo-card driving licence or a proof of age card bearing the official "PASS" accreditation hologram should be accepted as proof of age.