

# REPORT FOR DECISION

<b>Agenda Item</b>	
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<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>28<sup>th</sup> MAY 2015</b>
<b>SUBJECT:</b>	<b>APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF MADDOGITARS, UNIT 5A KAY BROW YARD, KAY BROW, RAMSBOTTOM.</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR DESIGNATE (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Maddoguitars Ltd, Unit 5A, Kay Brow Yard, Kay Brow, Ramsbottom, in respect of which representations have been received.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>To grant the application in the terms requested</li> <li>To grant the application subject to conditions</li> <li>To amend or modify existing or proposed conditions</li> <li>To refuse the application</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals
<b>Statement by Executive Director of Resources:</b>	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.
<b>Equality/Diversity implications:</b>	<b>Yes</b> <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	<b>Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.</b>
<b>Wards Affected:</b>	Ramsbottom
<b>Scrutiny Interest:</b>	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 Maddoggitars Limited, Unit 5A, Kay Brow Yard, Kay Brow, Ramsbottom, BL0 9AY. Mr Patrick Anthony Duggan, 12 Broadoak Terrace, Bury, BL9 7ST 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 the Premises.**

Monday to Friday	19.00 to 23.00
Saturday and Sunday	14.00 to 23.00

**b. Entertainment – Recorded Music and Live Music**

Monday to Friday	19.00 to 23.00
Saturday and Sunday	14.00 to 23.00

**c. Opening Hours**

Monday to Sunday	09.00 to 23.00
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**d. Non Standard Timings – for all licensable activities**

- On public holidays 14.00 to 23.00

3.2 Members will be aware of the provisions of the Live Music Act 2012 which permits amplified live music in licensed premises between the hours of 08.00 and 23.00 where the audience is less than 500.

### **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
- Doors slamming
- Extra traffic including deliveries, servicing, taxis (noise nuisance) will only add to the congestion of the narrow lane

- Number of late night refreshment and sale/supply of Alcohol venues
- 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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## 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 reasonable request in line with data protection.

The premises licence holder or designated premises supervisor is to ensure trusted members of staff or (other persons) 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 the request.

The premises licence holder 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.

On an annual basis the premises licence holder or the DPS is ensure the system has been checked, maintained to any recognised specification and is in working order.

- A written record shall be kept every time images of any incident are captured and recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him / her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card, etc), a secure storage. System to store those recording mediums shall be provided.
- Staff training shall take place on the Licensing Act and Licensing objectives when employment commences or every six months and 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 are to be prevented from leaving the premises with glasses or open bottles.
- 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 noises sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is potential for nuisance to be caused.
- All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
- The 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 shall be closed to customers [30 minutes] after licensing activity has ceased.
- The premises will operate a “Challenge 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 be accepted as proof of age

- 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.