

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 29 May 2015

Present: Councillor (in the Chair)
Councillors D Cassidy, T Holt and D Jones

Also in attendance:

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence:

1 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting

2 EXCLUSION OF THE PRESS AND PUBLIC

Delegated decision:

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 and Section 100(A)(4) schedule 12 A of the Local Government Act 1972 (Category 7), the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime, and the public interest in doing so outweighs the public interest in the hearing taking place in public.

3 APPLICATION FROM GMP FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE LORD RAGLAN, 12-14 WATER STREET, RADCLIFFE

EXCLUSION OF THE PRESS AND PUBLIC

Prior to the Hearing, the licensing authority received an application pursuant to section 53A to 53C of the Licensing Act 2003 as amended by Section 21 of the Violent Crime Reduction Act 2006, from Greater Manchester Police (GMP), for a summary review of the Premises Licence in respect of the Lord Raglan.

The application was outlined in the report presented to members of the Panel.

Written representations and statements in relation to the application from GMP were submitted to the Panel, including a bundle which contained exempt information which was not for disclosure to members of the public pursuant to section 100D to the Local Government Act 1972, as it contained information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime pursuant to the schedule 12A, Part 1, paragraph 7 of the said Act.

A copy of the Minutes of the Hearings Panel meeting held on 8 May 2015 was attached to the report along with a letter on behalf of Bury Safeguarding Children Board in support of GMP.

Further to the Section 53A Hearings Panel meeting on 8 May 2015, additional documentation updating PC Watson's Statement was submitted to the Panel.

All documentary evidence had been served to all parties in advance of the Hearing.

The Panel heard oral representations from Greater Manchester Police's representative, Mr Richardson and PC Watson. These set out the basis of GMP's application for summary review of the premises licence, as detailed in their application attached to the report of the Licensing Unit Manager, together with the requisite certificate signed by a senior police officer, regarding an incident on 2nd May 2015 at the licensed premises.

CCTV footage relating to the incident on 2nd May 2015 and an additional incident on 25 April 2015 was viewed by the Panel.

The Panel then heard representations from Miss Clover, Barrister, representing the proposed Designated Premises Supervisor and the proposed Premises Licence Holder.

The Panel heard no other representations.

The Panel asked questions of GMP, Miss Clover and the proposed Premises Licence Holder and the proposed Designated Premises Supervisor. All parties were offered the opportunity to question each other. All parties were allowed the opportunity to sum up their respective cases. The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in June 2013.

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

Decision

The Panel returned to the Hearing room to give its decision, and passed a resolution to give its decision in public.

Having heard from Mr Richardson, Solicitor of Greater Manchester Police, Miss Clover and the proposed Designated Premises Supervisor along with the proposed Premises Licence Holder, the Panel considered the merits of the case and in accordance with its duties decided as follows.

All of the evidence was considered with care and it was established that having understood the request for review and equally understanding the representations made, on balance, the Panel found there were causes for concern so far as the promotion of Public Safety and the Prevention of Crime and Disorder Licensing Objectives were concerned.

The Panel were satisfied based on the evidence before it, that the three incidents referred to by GMP clearly took place. The Panel noted that, in isolation, each of the three incidents were of a serious nature but highlighted that the incident of the 2nd May was so serious that not only were members of the public injured, but others were put at serious risk of injury.

The Panel noted that no efforts had been made to secure the safety of the public both inside and outside the premises and that the Police and emergency services had not been called from the premises to attend the scene. Furthermore the ability of the Police to investigate had been hampered as a result of crime scenes having been cleared

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, to **Revoke the Licence**.

With regard to the issue of the interim steps imposed on 8th May 2015, the Panel re-visited this decision and resolved that based on the serious nature of the incident of 2nd May 2015 and the failure of management to control the premises to prevent crime and disorder which resulted in weapons being used, inflicting serious injury to members of the public and putting a number of others at serious risk of injury, **the premises licence remain suspended**.

The Chair informed those present of their right of appeal within 21 days of receipt of the written decision to Bury and Rochdale Magistrates' Court.

COUNCILLOR

Chair

(Note: The meeting started at Time Not Specified and ended at Time Not Specified)