

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 10 February 2017

Present: Councillor D Jones (in the Chair)
Councillors D Jones, G Keeley and A McKay

Also in attendance:

Public Attendance: There was 1 member of the public in attendance, representatives of Greater Manchester Police (GMP) and the representative of the Premises Licence Holder and their partner.

Apologies for Absence:

1 DECLARATIONS OF INTEREST

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

2 APPLICATION FROM GMP FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE ALT HOUSE, 1 - 3 MOSS LANE, WHITEFIELD

Prior to the hearing the authority received an application by the Chief Constable of GMP for a summary review of the Premises Licence in respect of Alt House, 1 – 3 Moss Lane, Whitefield, under Part 3 of the Licensing Act 2003. This in turn necessitated consideration as to whether it is necessary to take interim steps pending determination of that review in accordance with Sections 53A to 53C of the said Act.

The nature of the application and consideration of interim steps was as detailed in the report which was presented to the Members of the Panel by the Licensing Unit Manager.

All written representations were contained within the report to Panel.

All documentary evidence comprising the application, report provided with the agenda and representations were served on all parties at the hearing, by the representative of Greater Manchester Police (GMP) Mr Stock, at the hearing. The Hearing was adjourned to allow all those present the opportunity to read through the information prior to the Hearing proceeding.

The Panel then heard oral representations from GMP's representative, Mr Stock. 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 a number of serious incidents at and otherwise connected with the licensed premises, demonstrating serious crime and serious disorder emanating from incidents of serious violence. One of these incidents had resulted in serious injuries to an individual and Mr Stock explained that there was an ongoing risk of further such incidents.

Prior to consideration of the further representations from GMP, Mr Stock made application for part of the representations to be made in private excluding members of the public, save for the representative of the Premises Licence Holder and their partner.

The Panel duly considered the application and passed a resolution excluding members of the public from part of the hearing under regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, on the basis that the public interest in doing so outweighed the public interest in the hearing taking place in public, in view of the information to be discussed.

Mr Stock went on to make further more detailed representations about the incidents at the premises.

The Panel then viewed CCTV footage presented by GMP, taken from the licensed premises.

The Panel asked questions of the representatives during the process.

The Hearing then returned to a public session.

The representative of the Premises Licence Holder made representations.

All parties were given the opportunity to question each other and to sum up their respective cases.

The Panel then duly retired to consider the matter 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.

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.

DELEGATED DECISION

The Panel carefully considered all of the representations and evidence produced and in particular found that incidents of serious crime and serious disorder connected with the licensed premises had occurred on a number of occasions, in particular on 31st December 2016 when the brother of an individual in control of the premises was assaulted inside the premises resulting in him being stabbed a number of times and suffering a punctured lung and kidney.

The Panel therefore unanimously **resolved** that the evidence presented both in open and private sessions demonstrated serious crime and serious disorder of an extremely violent nature. The Panel was therefore satisfied that the incidents were sufficiently serious to mean interim steps are necessary pending consideration of the summary review application.

The Panel noted that there is no definition of 'serious disorder' in the Licensing Act 2003, but based on the evidence before it, it was satisfied that incidents clearly took place were so serious that not only were members of the public injured, but others were put at serious risk of injury. This in the Panel's view meant its powers to impose interim steps under section 53B of the said Act were engaged.

In relation to what steps are appropriate, again the Panel considered all of the representations and evidence, as well as the options set out in section 53B(3) of the Licensing Act 2003. The Panel has also considered what steps it felt were appropriate to best promote the licensing objectives in the said Act, in particular in this case the prevention of crime and disorder, and public safety.

In this case, because of the serious nature of the incidents referred to, and the risk of further serious crime and disorder, the Panel **resolved** that in order to promote the said licensing objectives it must **suspend the premises licence immediately**.

The Chair of the Panel advised the representative of the Premises Licence Holder that it does have the right to make written representations on these steps, if so advised.

COUNCILLOR Jones
Chair

(Note: The meeting started at 11.00 am and ended at 1.00 pm)