

AGENDA FOR

LICENSING HEARING PANEL

Contact:: Andrea Tomlinson 01612535133
Direct Line:
E-mail:
Web Site: www.bury.gov.uk

To: All Members of Licensing Hearing Panel

Councillors : D Jones, G Keeley and A McKay

Dear Member/Colleague

Licensing Hearing Panel

You are invited to attend a meeting of the Licensing Hearing Panel which will be held as follows:-

Date:	Friday, 10 February 2017
Place:	Meeting Room A - Town Hall
Time:	11.00 am
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

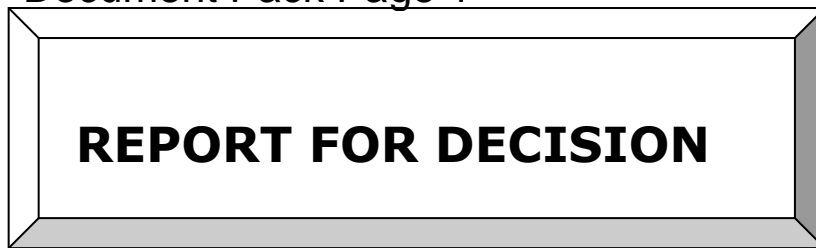
1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing Hearings Panel are asked to consider whether they have an interest in any of the matters on the agenda and, if so, to formally declare that interest.

3 APPLICATION FROM GMP FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE ALT HOUSE, 1 - 3 MOSS LANE, WHITEFIELD *(Pages 1 - 4)*

A report from the Assistant Director (Localities) is attached



DECISION OF:	LICENSING HEARINGS PANEL
DATE:	10th February 2017
SUBJECT:	AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESEPT OF THE ALT HOUSE, 1-3 MOSS LANE, WHITEFIELD
REPORT FROM:	ASSISTANT DIRECTOR (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 by the Chief Constable of Greater Manchester Police in respect of the licence premises the Alt House, 1-3 Moss Lane, Whitefield for a Summary Review of the Premises Licence and for interim steps to be taken in advance of that review in accordance of that review in accordance with Sections 53A to 53C of the Licensing Act. The reason for the application is because the police believe that the premises are associated with serious crime and/or disorder.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To consider whether to impose interim steps <p>The steps available are:</p> <ul style="list-style-type: none"> • To modify the conditions of the licence • To exclude the retail sale of alcohol from the licence • To remove the Designated Premises Supervisor from the licence • To suspend the licence.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk	There are no specific issues from the report other than potential costs/risks associated

Considerations:	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:	Yes Under the legislation the Council is required to determine the application. The report is in accordance with the appropriate legislation.
Wards Affected:	Besses
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

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

1.0 INTRODUCTION

- 1.1 This report relates to an application by the Chief Constable of Greater Manchester in respect of licensed premises known as the Alt House, situated at 1-3 Moss Lane, Whitefield, for a summary review of the premises licence due to the premises being associated with serious crime or serious disorder or both,. The Licensing Authority must consider whether interim steps are required pending a full summary review hearing.
- 1.2 The premises licence in respect of the Alt House has been held by Alt House Limited since 19th November 2015. Ms Carla Ann Vickers has been the Designated Premises Supervisor since 20th October 2016.
- 1.3 The Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) is the relevant legislation.
- 1.4 The Local Authority is required to consider interim steps should be imposed for the promotion of the licensing objectives and what the steps should be. Any such measures and the reasons for them must be immediately notified to the premises licence holder.

2.0 BACKGROUND

- 2.1 The Chief Superintendent has issued a certificate under section 53A (1)(b) of the Licensing Act 2003 in which he states the following:-

Greater Manchester Police have evidence of serious crime at the premises.

On 31st December 2016 an incident of serious violence occurred at the Alt House, 1-3 Moss Lane, Whitefield. During that incident a male by the name of Daniel Warrender was stabbed numerous times. As a result of being stabbed Daniel Warrender received a number of serious injuries including a punctured lung and kidney.

CCTV of the incident shows a number of males attending at the premises. Those same males subsequently attack Daniel Warrender causing the injuries detailed above. Two males by the name of Michael Morrison and Kain Morrison have been charged with offences of affray as a result of this incident.

Greater Manchester Police have information to suggest that this attack was deliberately carried out as a result of a dispute involving David Warrender and another group.

Greater Manchester Police are now aware that the current **PLH** has lost control of the premises and in reality the person in control is David Warrender.

David Warrender has convictions for serious drugs offences and money laundering. He is currently subject to an outstanding confiscation order that he has failed to comply with. That order was granted by the Courts on the basis of his previous financial gains from criminal activity.

There is a concern that the management recorded on paper at the premises does not reflect the reality of what is actually in place at the Alt House. Greater Manchester Police maintain that David Warrender is in control of those premises. It cannot be a promotion of the licensing objectives to have a male with his background involved in a licensed premises.

Greater Manchester Police further maintain that the incident of violence that occurred on New Years Eve was committed as a targeted incident as a direct result of Warrender's role at the premises. The dispute that resulted in this act of violence is on-going and Greater Manchester Police are aware of a serious act of violence that has been committed against a male associated with those charged in connection with the incident on New Years Eve. That act of violence involved a male being attacked with a machete in front of his young children.

There is little doubt that the incident inside the premises is a serious assault resulting in serious injuries.

Greater Manchester Police request that the licensing authority consider the suspension of the premises licence pending the full review being heard before the committee at which point Greater Manchester Police will request revocation of the licence.

The reasons for this application are that a closure order was not required at the time as the premises were closed by that time to the public, a section 51 review would take too long to implement as there are major concerns regarding the safety of members of staff and patrons attending the venue. Greater Manchester Police maintain that the risk to that premises by virtue of Warrender's connection

to it is very much present and on-going.

There has also been a previous attempted arson offence at the premises whereby a group of males attended and petrol was poured into the premises before being set alight. Fortunately the fire failed to ignite properly and as a result only minimal damage occurred.

3.0 CURRENT LICENSABLE ACTIVITIES

3.1 The attached Premises Licence shows the current licensable activities and conditions.

4.0 DETERMINING THE APPLICATION FOR INTERIM STEPS TO BE IMPOSED

4.1 In determining whether or not to impose interim steps, pending the summary review of the premises licence which must be held within 28 days from the date of the application being received, members must consider the information presented in relation to serious crime and or serious disorder. If members decide to impose interim steps, the following options are available to the Licensing Authority:

- a. To modify the Conditions attached to the licence
- b. The exclusion of the sale of alcohol from the scope of the licence.
- c. The removal of the Designated Premises Supervisor from the licence.
- d. Suspension of the premises licence

4.2 For the purposes of subsection 4.1a, the conditions of a premises licence are modified if any of them are altered or omitted or any new condition is added.

List of Background Papers:-

Current Premises Licence
Section 53A application, Certificate and supporting evidence

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

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
BURY
Telephone No: 0161 253 5209