

AGENDA FOR

LICENSING HEARING PANEL

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To: All Members of Licensing Hearing Panel

Councillors : D Jones (Chair), 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:	Monday, 6 March 2017
Place:	Lancashire Fusiliers Room - 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

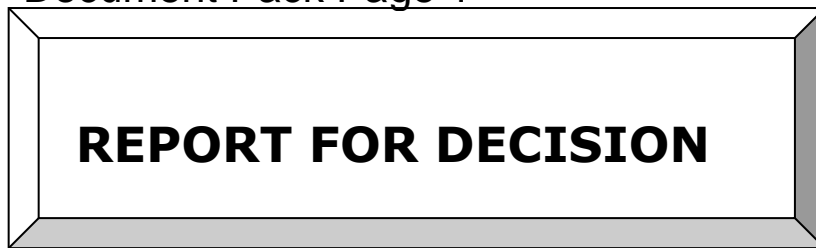
Members of the Licensing Hearings Panel are asked to consider whether they have an interest in any of the matters on the agenda and, if so, to formally declare that interest.

3 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF ALT HOUSE, 1-3 MOSS LANE, WHITEFIELD (Pages 1 - 6)

A report from the Assistant Director (Localities) is attached

4 APPENDIX - EXEMPT (Pages 7 - 22)

Appendix attached



DECISION OF:	LICENSING HEARINGS PANEL
DATE:	6TH MARCH 2017
SUBJECT:	AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESEPT OF 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 licensed premises known as Alt House, 1-3 Moss Lane, Whitefield, for a Summary Review of the Premises Licence pursuant to Sections 53A to 53C of the Licensing Act 2003 as amended by section 21 of the Violent Crime Reduction Act 2006. The reason for the application is that the police believe that the premises is associated with serious crime and/or serious disorder.
OPTIONS & RECOMMENDED OPTION	<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 for a period not exceeding 3 months. • To revoke 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 Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
Statement by Executive Director	The cost of the licensing function are funded

of Resources:	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 BACKGROUND

- 1.1 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 22nd July 2016.
- 1.2 On the 9th February 2017, the Licensing Authority received the aforementioned Summary Review application from Greater Manchester Police.
- 1.3 On the 10th February 2017, Members of the Licensing and Safety Panel considered the summary review application and whether interim steps should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives. The Panel heard verbal evidence from the police and viewed CCTV footage of the serious incidents of crime and disorder which had taken place at the premises.
- 1.4 The Panel resolved that in order to promote the licensing objectives, that interim steps pending a full review hearing were necessary and decided to suspend the Premises Licence. The reasons for the Panel’s decision are attached at appendix 1.
- 1.5 The Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) 2005 (as amended) is the relevant legislation.

- 1.6 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 BACKGROUND

- 2.1 As part of the Summary Review process, a Police Superintendent has given a certificate under the provisions of section 53A(1)(b) of the Licensing Act 2003 in which he states the following:-

I am giving this certificate because I am of the opinion that procedures under the Licensing Act are inappropriate in this case, because:

Paul Kersh is the sole director named for the company Alt House Ltd, 1 - 3 Moss Lane, Whitefield, the Premises Licence Holder for Alt House. Despite the fact that Paul Kersh is the PLH on paper, Greater Manchester Police are aware that in reality Paul Kersh is no longer in control of the Alt House.

Greater Manchester Police are aware that the person in control of the premises is in fact David Warrender.

Warrender has previous convictions for dealing Class B drugs and Money Laundering. He is subject to an outstanding confiscation order in relation to previous convictions where he was found to have benefitted financially from his involvement in serious crime. That order has not been complied with.

On New Year's Eve there was a Section 18 Assault at the premises whereby by a male named Daniel Warrender the brother of David Warrender was stabbed several times, he sustained serious injuries as a result of that attack. In October 2016 there was an Arson attempt whereby 4 masked males smashed the windows at the premises, poured petrol within the bar area and set this alight. It was a matter of good fortune that the fire failed to ignite properly and a more serious incident didn't take place.

The offence on New Year's Eve is clearly a matter that, on conviction in the Crown Court, for which a person aged 21 years or over with no previous convictions could reasonably be expected to be sentenced to imprisonment of 3 years or more and involves the use of violence. I am therefore satisfied that the offence constitutes 'serious crime', as defined by reference to Sec. 81 of the Regulation of Investigatory Powers Act 2000.

A closure order was not required at the time of the stabbing on New Year's Eve as the premises had closed by that time to members of the public. At the time of the Arson the premises was already closed.

There has also been information received that retribution would be sought for the stabbing incident on New Year's Eve. A male associated to the named offenders who have been detained and charged with this event has also been attacked by an unknown male with a machete at his home address in front of his child.

Greater Manchester Police have information to suggest that the dispute is ongoing and as a result there is a risk attached to the Alt House by virtue of Warrenders connection to the premises.

A section 51 review is not considered appropriate in view of the most recent information that has come to light, as this would take too long to implement,

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there are concerns for the safety of those who frequent the bar. Those concerns are present now and as such it is felt appropriate for this course of action to be taken.

A brief summary of the incident leading to the issue of this certificate is set out at Section 4, Annex C, 'Form For Applying For A Summary Licence Review'.

As a result of the incident summarised within that document, the Greater Manchester Police asks that the licence for the Alt House be revoked. Supporting evidence accompanies this certificate and the form of application.

In the interim, the Greater Manchester Police asks that the Licensing Authority considers the suspension of the premises licence until a full review is heard before the committee.

3.0 REPRESENTATIONS

As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of this review by placing a Notice on the premises, at the Council Offices and on the Council web-site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them. The Greater Manchester Police will give evidence at the hearing.

- 3.1 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
 - d. Protection of children from harm

4.0 CURRENT LICENSABLE ACTIVITIES

- 4.1 The current Premises Licence showing the authorised licensable activities and the licence conditions is attached at appendix 2.

5.0 OBSERVATIONS

- 5.1 After hearing any 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. This includes taking such steps as it considers necessary to promote those objectives and to secure that, from the coming into effect of the decision on the review, any interim steps cease to have effect.
- 5.2 Members are advised that the legislation provides a mechanism for the appeal of the Licensing Authorities decision to the Magistrates Court. Any decision made by the Licensing Authority does not have effect until the end of the 21 day period given for lodging an appeal or if an appeal is lodged and not withdrawn, until the appeal is disposed of. However, current case law states that any interim steps already imposed in respect of the premises remain in force pending determination of any appeal.

List of Background Papers:-

Current Premises Licence
Section 53A application, Certificate and supporting evidence
Licensing and Safety Panel Minutes (interim steps hearing) – 10th February 2017

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

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BURY
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