

**AGENDA FOR
LICENSING HEARING SUB COMMITTEE**



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To: All Members of Licensing Hearing Sub Committee

Councillors: G McGill (Chair), G Marsden and M Walsh

Dear Member/Colleague

Licensing Hearing Sub Committee

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

Date:	Tuesday, 4 July 2023
Place:	Bury Town Hall
Time:	10.30 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 Hearing Sub Committee are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

3 MINUTES OF THE LAST MEETING (*Pages 3 - 8*)

The Minutes of the last Licensing Hearing Sub Committee meeting held at 1.00pm on the 13th June 2023 are attached.

4 APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF CLUB 66, 24 SILVER STREET, BURY (*Pages 9 - 20*)

A report from the Executive Director (Operations) is attached:-

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 13th June 2023

Present: Councillor G McGill (in the Chair)
Councillors G Marsden and M Walsh

Also in attendance: M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
O. Osinuga (Legal Services)

PC P. Eccleston Greater Manchester Police (Representor)
I. Oldman- Bury Times (Press)

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

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B. Thomson, Head of Public Protection at Bury Council.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETINGS

The minutes of the last Licensing Hearing Sub Committee meetings held at 10.30am on the 18th May 2023 and 10.30am on the 19th May 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committees held at 10.30am on the 18th May 2023 and 10.30am on the 19th May 2023 be approved as a correct record.

4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF CLUB 66, 24 SILVER STREET, BURY, BL9 0DH

The Licensing Authority received an application by Greater Manchester Police in respect of Club 66, 24 Silver Street, Bury, BL9 0DH for a review of the Premises Licence in accordance with Section 51 of the Licensing Act.

The nature of the application and consideration of options was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Manager, Mr M. Bridge.

The options available were:

- 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

ATTENTION WAS DRAWN TO BACKGROUND PAPERS WHICH INCLUDED:

Current Premises Licence

Section 51 review application

The Licensing Unit Manager reported 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.

The Panel would make a decision at the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

Greater Manchester Police had complied with all the necessary procedural requirements laid down by the Act.

At the time of the review application the premises licence in respect of Club 66, Silver Street, Bury, BL9 0DH has been held by Club Sixty Six Ltd since 13 July 2022. Mr Daniel Langford has been the Designated Premises Supervisor since the 1st December 2022.

Greater Manchester Police, in their capacity as a Responsible Authority, would give their reasons for their application which is on the grounds of Protection from Children from Harm and Prevention of Crime and Disorder. The review application was attached to the report at Appendix 1 of the private agenda packs.

Members of the panel were reminded that under urgent business considered at the meeting of the Licensing and Safety Committee on the 17th April 2023. The relevant minutes of the meeting which were detailed in the report stated the review process be extended until week commencing the 12th June 2023.

On the 25th May 2023, the Licensing Service were notified by Mr Daniel Langford that he was no longer the Designated Premises Supervisor at the premises.

On the 26th May 2023, the Licensing Service received an application to transfer the premises licence into the name the Club 66d Limited, 262 Catherine Street, Leicester, LE4 6GD. The application stated that they wanted the transfer application to have immediate effect. At the time of writing the report, the Licensing Service had not received representations from Greater Manchester Police.

On the same day as the transfer application was received, the Licensing Service received an application to vary the premises licence to specify an individual as designated premises supervisor. The individual named on the application is Ms Vicky Bebbington, 23 St Mary's Road, Nantwich, CW5 5NU. The application stated that they wanted the transfer application to have immediate effect. At the time of writing the report, the Licensing Service had not received representations from Greater Manchester Police.

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 had given Notice of this review by placing a Notice on the premises, at the Council Offices and on the Council website. Where further representations are made by either the Responsible Authorities or from local residents/businesses and not withdrawn, Members are required to determine them.

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

No further representations were received.

The premises licence which showed the current licensable activities and conditions was attached at Appendix 2 in the agenda pack.

Reference was made to the Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers, and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment, and proportionality.

The Licensing Unit Manager reported on recent communications in relation to the transfer of the licence and DPS. The paperwork had been issued to the proposed new licence holder but the previous licence holder had been in receipt of these documents and indicated they would be attending the meeting today. The Licensing Service had advised that only the new proposed premises licence holder should attend and the paperwork had been re-issued via recorded postage.

The Licensing Service had also received communications on the morning of this Sub-Committee requesting a copy of a staff alcohol authority form but the service had replied to state there is no such document in existence and were unsure what the intention of the request was.

Three messages had also been left advising attendance at the meeting and Ms Bebbington had confirmed earlier that there would be no one in attendance representing Club 66d Limited.

The Sub-Committee under Regulation 20 of the Licensing Act 2003 (Hearings) Regulation 2005 decided to continue the hearing without the premises licence holder being present under public interest grounds rather than deferring the hearing in their absence.

PC P. Eccleston from Greater Manchester Police (GMP) provided representations to the panel and gave background information on four changes to the named DPS in the last 12 months.

The Sub-Committee then heard information from PC Eccleston about a number of serious crime related incidents linked to the premises which undermined the licensing objectives. Information on these incident and crime reports were provided to the Panel in the form of an annex bundle and witness statements from PC Eccleston which were restricted documents provided by GMP.

A number of CCTV clips was played to the panel which were linked to some of the incidents referred to in the restricted annex bundle.

Footage appeared to evidence:-

- Allowing customers into the venue via the main door after 3.00am.
- Allowing customers to leave the venue via the main door after 4.00am.
- Allowing customers to enter and exit the venue using a side door outside of licenced hours and the exchange of money with door staff.
- The previous owner being allowed into the venue outside of opening hours.
- Failure to adhere to the challenge 25 scheme with appropriate ID checks.
- Customers loitering outside the venue for some time once they had left.
- Unlocked bin storage provided access to glass bottles used as a weapon in an assault outside the venue.

PC Eccleston stated that in his report requests for obtaining relevant CCTV footage from the premises on dates related to incidents had not been produced in the relevant timescales and in some cases had not been provided by the venue to GMP.

Prior to consideration of further representations from GMP, PC Eccleston made an application for part of the representations to be made in private excluding members of the public.

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.

PC Eccleston went on to make further detailed representations about incidents at the premises.

Police enquiries were on going with evidence being collated as part of the investigations.

The Sub-Committee then duly retired to consider the matter and all of the information provided.

The Members of the Sub-Committee 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 at the meeting.

DELEGATED DECISION

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and disorder, public safety, and the protection of children from harm. The panel therefore unanimously **resolved to revoke the premises licence with immediate effect and to remove the Designated Premises Supervisor from the licence** in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean these steps were necessary.

The evidence presented had demonstrated the following licensing objectives had not been promoted and failed the:-

- Prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The reasons by the sub-committee, included:-

- Evidence of serious crime taking place at the premises and not promoting the Licensing Objective of Prevention of Crime and Disorder:-
- The premises licence holder was permitting members of the public to loiter outside the venue which is a breach of the premises Licence.
- Serious assault had taken place outside of the premises.
- Sexual offences
- The premises licence holder was not complying with the condition relating to body searches due to them not being conducted with the appropriate equipment.

The Licensing Objective of Public Safety was not being promoted at the premises by the Premises Licence Holder/Designated Premises Supervisor:-

- The Premises Licence holder was allowing drinking containers to be taken from the premises, which is in breach of the condition contained in the premises licence.
- Waste storage was not secured allowing access to discarded drinking bottles.
- The Premises Licence Holder was breaching the condition of the premises licence in relation to the provision and availability of CCTV when requested by a police officer.

The prevention of public nuisance via:-

- The premises licence holder was not complying the last admittance and closing times permitted under the premises licence

The protection of children from harm was not met:-

- The premises licence holder had failed to conduct ID checks, accepting digital images, and not complying with the challenge 25 scheme as required by the conditions of the premises licence.
- The premises licence holder had refused to cooperate with police investigations when requested to do so.
- Patrons under the age of 18 were being given access to the premises.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.00pm and ended at 3.44pm)



Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	4 July 2023
Title of report:	APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF CLUB 66, 24 SILVER STREET, BURY
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	East

Executive Summary:

This report relates to an application under section 37 of the Licensing Act 2003, from Club 66 D Limited, to vary the Premises Licence held by them, in respect of Club 66, 24 Silver Street, Bury, to specify a change of Designated Premises Supervisor (DPS). The Greater Manchester Police in their capacity as 'A Responsible Authority' have made a representation in respect of the application.

Recommendation(s)

That:

- To grant the application
- To refuse the application

1.0 INTRODUCTION

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is the relevant legislation.
- 1.2 The Licensing Hearings Sub-Committee 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.
- 1.3 Under the provisions of section 37(5) of the Act, where the chief officer of police notified of an application to specify an individual as a DPS, is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant Licensing Authority a notice stating the reasons he is so satisfied.

2.0 BACKGROUND

- 2.1 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 On the application form it has been requested that the application to have immediate effect under section 38 of the Act which allows the premises to continue to sell alcohol until such time that this application is determined or withdrawn.
- 2.3 Members will recall that consideration was given to a review of the premises licence submitted by Greater Manchester Police on the 13 June 2023 and members resolved to revoke the premises licence and to remove the designated premises supervisor outlined in this report.

3.0 THE APPLICATION

- 3.1 Paragraph 4.3 of the Guidance issued under Section 182 of the Licensing Act 2003, states: -

Any premises at which alcohol is sold or supplied where the requirement for a personal licence holder does apply may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence. However, the requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to be present on the premises or oversee each sale; it is sufficient that such sales are authorised.

- 3.2 The application from Club 66 D Limited names Ms Vicki Bebbington, of 23 St Mary's Road, Nantwich, CW5 5NU, as the new DPS. It is confirmed that Ms Vicki Bebbington is the holder of a Personal Licence granted by Cheshire East Borough Council.

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

4.1 Greater Manchester Police will shortly give their reason(s) for their representations in relation to this application which they request the Panel to refuse the application. The representation is attached at appendix One

5.0 OBSERVATIONS

5.1 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.

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
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The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

Consultation:

Not Applicable

Legal Implications:

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

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.

Report Author and Contact Details:

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

Mr M Bridge
Licensing Office
Town Hall
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

Background papers:

List of Background Papers: -
Application form
Representation received

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

Appendix One

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
<p>We object to the following Application:</p> <p>CLUB 66</p> <p>24 SILVER STREET</p> <p>BURY</p> <p>BL9 0DH</p>	
<p>Type of application.</p> <p>Transfer of premises license & Change of DPS</p>	
<p>Application Number (if known):</p>	

<i>Section 2 – Responsible Authority's Details</i>					
<p>Responsible Authority's Details:</p> <p>Please tick appropriate box:</p> <table border="1"><tr><td><input checked="" type="checkbox"/></td><td>Police</td></tr><tr><td><input type="checkbox"/></td><td>Fire Authority</td></tr></table>		<input checked="" type="checkbox"/>	Police	<input type="checkbox"/>	Fire Authority
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<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection
<input type="checkbox"/>	Weights and Measures
<input type="checkbox"/>	Licensing Authority
<input type="checkbox"/>	Immigration
<input type="checkbox"/>	Public Health Department
Full name:	Peter Eccleston
Job Title:	Bury District Licensing Officer
Tele number:	07774219071 / 0161 856 2256
Email:	peter.eccleston@gmp.police.uk
Address:	
<p>Bury Police Station Dunster Road Bury BL9 0RD</p>	

Section 3 – Representations	
<input checked="" type="checkbox"/>	We object to the application being granted at all
<input type="checkbox"/>	We object to the application being granted in its current form*
<p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</p>	

You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Objectives

To prevent crime and disorder

Please accept this as a formal representation from Greater Manchester Police with regards to the application to transfer the premises license from Club 66 to Club 66 d limited which was received on Friday 26th May 2023 and change of DPS from Daniel Langford to Vicky Bebbington which was received on Tuesday 30th May 2023.

Although the change of DPS was received on the 30th May 2023, Daniel Langford sent an email to Bury Council Licensing Team requesting immediate removal from his position as DPS for Club 66 on Thursday 25th May 2023.

GMP is aware that there has been at least one breach of the premises license since the application to transfer the premises license was received on 26th May 2023.

GMP has reviewed Bury Council CCTV footage from the early hours of Monday 29th May 2023 which clearly shows that the operating schedule was blatantly breached. There were at least six occasions whereby customers have been all allowed entry into the premises either via the front or side doors past the last entry time of 3am with the latest being 03:49hours. Further to this, there were eight occasions where customers were observed leaving the premises past the closing time of 4am with the last customer leaving at 04:24hours.

GMP has already submitted an application to review the premises license due to very similar circumstances. This has yet to be determined however this incident highlights further concerns in relation to the management of the premises which has yet again, undermined the premise license operating schedule, the licensing objectives and therefore poses a potential risk to public safety.

Public safety	Please state your reasons:
To prevent public nuisance	<i>Please state your reasons:</i>
The protection of children from harm	

Section 3B – Suggestions/Further information	

Signed.....P. Eccleston.....

dated 05/06/2023

N.B if you do make a representation, you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

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