

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 8 September 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)
B. Thomson, (Head of Public Protection)

PC P. Eccleston (Greater Manchester Police)
Premises Licence Holder
Bury Times

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

There were no apologies for absence submitted.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held at 10.30am on the 3rd August 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.30am on the 3rd of August 2023 be approved as a correct record.

4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE HUB BAR, 1 HASLAM STREET, BURY, BL9 6EQ

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licensed premises The Hub Bar, 1 Haslam Street, Bury, BL9 6EQ for a Summary Review of the Premises Licence and for interim steps to be taken in advance of that review in accordance with Sections 53A to 53C of the Licensing Act. The reason for the application was because the police believe that the premises are associated with serious crime and/or disorder.

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.

Attention was drawn to background papers which included:-

Current Premises Licence

Section 53A application, Certificate and supporting evidence

Bury Council's Licensing Policy

Guidance issued under Section 182 of the Licensing Act 2003

Licensing Act (Hearings) Regulations 2005

The Licensing Authority must consider whether interim steps are required pending a full summary review hearing.

Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and for the review of the licence to be fast tracked.

A 10 working-day public consultation exercise is undertaken in accordance with Licensing Act 2003 regulations, requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application to be published on the Council's website.

Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application

Following the review under section 53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

The premises licence in respect of the Hub Bar has been held by Miss Natalie Cummings since 15 July 2020. Mr Antony Davidson has been the Designated Premises Supervisor since 28 June 2021.

The Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) is the relevant legislation.

The Local Authority is required to consider whether 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.

The Panel would make a decision in relation to interim steps 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.

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

The premises are associated with serious crime.

On the 1st of September officers executed a warrant under the misuse of drugs act and as a result obtained clear evidence that the premises are currently being used for the cultivation of cannabis and the supply of cocaine.

The basement of the premises had been fitted out as a cannabis farm in order to facilitate the cultivation process and a large quantity of cocaine with an approximate value of £20,000 has been recovered from the premises.

The DPS has been arrested and charged in relation to this matter. Due to the above circumstances a standard review would not be appropriate as it is likely that the premises would continue to be used for the cultivation and supply of controlled drugs.

Attached to agenda pack at Appendix 1 was the Application by Greater Manchester Police for the Summary Review and at Appendix 2 the Certificate issued by the Chief Superintendent.

The Premises Licence showed the current licensable activities and conditions and was attached at Appendix 3 in the agenda pack.

PC P. Eccleston from Greater Manchester Police provided a summary to the hearing of Operation Golf which had targeted organised crime groups within the Bury area.

The current DPS had allowed drugs to be sold over the bar to patrons and following a warrant being obtained a strike day took place. 2 people were detained which included the DPS and nearly a kilo of cocaine had been found inside the premises which was a class A drug. Snap bags, scales, money and debt lists had been uncovered which were all related to the sale of drugs and traces of substances had been found behind the bar area related to the preparation for customers. A search of the premises also uncovered a cannabis farm with cropped plants along with heating and lighting to aid cultivation. 68 plants were found behind a false wall and the electricity supply to the premises had been by-passed which was a fire risk to the bar and surrounding properties.

The DPS was arrested and charged with several offences and had been remanded in custody with a hearing taking place later today. PC P. Eccleston added that anyone aged 18 or over with no previous convictions who sold class A drugs and cultivated cannabis could be sent to prison for 3 years or more.

It was confirmed that the value of cocaine seized had a value of around £20,000.

The Premises Licence holder, addressed the hearing to state she had no involvement with the bar for over 2 years and when the DPS took over he was meant to change the licence over with his details. She stated the circumstances were disgusting and only questioned was the cannabis farm relevant as it was found in a non-licensed part of the premises. PC P. Eccleston confirmed that it was relevant and did not matter if it was not part of the licensed area within the premises.

A Member of the hearing questioned why electricity extraction had not been part of the charges brought against the DPS and PC P. Eccleston was unsure why they had not been included.

The Premises Licence Holder added she was in shock and apologised for the whole affair and thought it was the responsibility of the new owners to change the previous premises licence holder. The Licensing Unit Manager confirmed it was the responsibility of the Licence Holder to change the details.

The Licensing Unit Manager also reported that on a visit to the premises this week a blue notice had been displayed on Wednesday and questioned why by Thursday, had this been removed. The Premises Licence Holder confirmed that the only people with keys to the premises was the landlady and the notice had since been redisplayed. The Licensing Unit Manager added how the licence holder could ensure the premises did not re-open if the licence was suspended and the Premises Licence Holder confirmed that only the landlady had the keys and it would remain closed. She also added later in the hearing that the brewery was removing the bar system of taps and pumps next week.

The Sub-Committee then heard information from PC Eccleston that the licensing objectives had not been met and there was an issue of public safety with the premises located in a residential area with lots of families and children.

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 relevant provisions of national guidance and the Council's licensing policy statement.

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, public safety and failure of the protection of children from harm. It was therefore unanimously **resolved to remove the Designated Premises Supervisor from the licence and the Suspension of the licence** in order to promote the licensing objectives.

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

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

- the prevention of crime and disorder
- public safety
- the protection of children from harm.

The reasons by the sub-committee, included:-

- Evidence of serious organised crime taking place at the premises with drug dealing of class A and B drugs therefore not promoting the Licensing Objective of Prevention of Crime and Disorder.
- The Licensing Objective of Public Safety was not being promoted at the premises due to the danger and fire risk of neighbouring properties by extracting electricity.
- The illegal drug related activities occurring at the premises were a risk to the protection of children from harm as the premises was located in a residential area.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 10.00am and ended at 10.50am)