

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 28th September 2023

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

M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
O. Osinuga (Legal Services)

Also in attendance: PC P. Eccleston (Greater Manchester Police)
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

Apologies were submitted by B. Thomson, (Head of Public Protection).

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 10.00am on the 8th September 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.00am on the 8th September 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

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 subsequent Review. The interim steps were taken in advance of this 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.

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 revoke the licence.

Following the review under section 53C, Members of the Licensing Hearings Sub-Committee must review the interim steps that are currently 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for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

ATTENTION WAS DRAWN TO BACKGROUND PAPERS WHICH INCLUDED:

Current Premises Licence

Section 53A application, Certificate and supporting evidence

Licensing and Safety Panel Report (interim steps hearing) – 8th September 2023

Licensing and Safety Panel Minutes (interim steps hearing) – 8th September 2023

On the 6th of September 2023, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Hub Bar, 1 Haslam Street, Bury, because they believed that the premises was associated with Serious Crime and/or Serious Disorder.

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 a fast-track licence review.

A 10 working-day public consultation exercise had been 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 published on the Council's website.

Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.

On the 8th of September 2023 a Licensing Hearings Sub Committee interim steps hearing was held, following receipt of the Summary Review application from Greater Manchester Police, Members of the Licensing and Safety Panel considered whether interim measures should be taken in respect of the Premises.

Licence for the purpose of promoting the Licensing Objectives.

The Panel resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that it must suspend the premises licence immediately and to remove the designated premises supervisor. The reasons for the Panel's decision were attached at Appendix One of the agenda packs.

The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003

the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

At the time of issuing the report within the agenda pack, the premises licence holder had not made representations against the interim steps taken by the licensing authority.

On the date of the review hearing, the licensing authority is required to review any interim steps that are in place and consider 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.

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 had been held by Miss Natalie D Cummings since the 15th July 2020. Mr Antony Davidson had been the Designated Premises Supervisor since the 28th June 2021.

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 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:-

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 had 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 2 was the Application by Greater Manchester Police for the Summary Review and at Appendix 3 the Certificate issued by the Chief Superintendent.

The Licensing Service had received representations from one interested party under the Licensing Act 2003. This representation was attached at Appendix 4.

The interested party's representation can be summarised as follows:-

- Dangerous parking
- Customers blocking the pavement
- Noise from music and loud voices
- Anti-social behaviour

The Premises Licence showed the current licensable activities and conditions and was attached at Appendix 5 in the agenda pack.

The Committee had also been provided with a witness statement from PC P. Eccleston of Greater Manchester Police and a number of appendices which contained:-

- Images taken of cropped cannabis farm within the Hub bar
- Images taken of the preparation station within the Hub bar
- Images relating to drugs seized from inside the Hub bar

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

Police investigations had been on-going since February this year with intelligence gathering leading to a warrant of the premises in early September.

The current DPS had allowed drugs to be sold over the bar to patrons and 2 people were detained which included the DPS. 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 3 offences and had been remanded in custody with a hearing scheduled at the Crown Court on the 13th October.

PC Eccleston explained to the Committee what the photographs illustrated in relation to the drug offences within the premises which were included in the appendix information distributed to Members.

The Chair enquired if any charges had been made in relation to the electricity extraction element and PC Eccleston reported that the advice of the CPS was that the additional charge would not have added anything further to the drug related charges and sentence.

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 within the local

community with the supply of drugs and the patrons it attracted, as the premises were 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 Adviser 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, the prevention of public nuisance and failure of the protection of children from harm. It was therefore unanimously **resolved to remove the Designated Premises Supervisor from the licence and to revoke the licence** in order to promote the licensing objectives.

The Sub-Committee also reviewed the interim steps and unanimously **resolved to maintain the interim steps in place which was to remove the Designated Premises Supervisor from the licence and suspend the licence** in order to promote the licensing objectives.

The Sub-Committee was satisfied that the sufficient evidence presented had demonstrated the following licensing objectives had not been met and failed the:-

- Prevention of crime and disorder
- Public safety
- The prevention of public nuisance; and
- 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. Photographs provided by the police of drugs found on the premises further highlighted this issue.

- The Licensing Objective of Public Safety was not being promoted at the premises due to drug dealing and the danger and fire risk to neighbouring properties by extracting electricity.
- The prevention of public nuisance was highlighted with the representation received from a member of the public anti-social behaviour occurring with noise levels, customers being drunk and alcohol being taken outside the premises onto residential streets.
- 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 which homed a number of families.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 10.00am and ended at 10.35am)