

**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:	Wednesday, 11 October 2023
Place:	Virtual meeting via Microsoft Teams
Time:	10.00 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:	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 2535399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only.

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 10.00am on the 28th September 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: 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)



	Classification Open / Closed	Item No.
Meeting:	Licensing Hearings Sub-Committee	
Meeting date:	11 October 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 Sixty Six 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. An appeal to the Magistrates Court has been lodged against the decision, no date as yet has been given for this, therefore the premises can continue to trade in the meantime.

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 Sixty Six Limited names Mr Alikhalil Abadi of 32 Horne Street, Bury, BL9 9BW as the new DPS. It is confirmed that Mr Alikhalil Abadi is the holder of a Personal Licence granted by Bury 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 in 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>
<i>The Licensing Service have considered the Equality Act2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.</i>	

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>	
Type of application.	
Change of DPS	
Application Number (if known):	

<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><tr><td><input type="checkbox"/></td><td>Planning Authority</td></tr></table>		<input checked="" type="checkbox"/>	Police	<input type="checkbox"/>	Fire Authority	<input type="checkbox"/>	Planning Authority
<input checked="" type="checkbox"/>	Police						
<input type="checkbox"/>	Fire Authority						
<input type="checkbox"/>	Planning Authority						

	Health and Safety	
	Environmental Health Service	
	Child Protection	
	Weights and Measures	
	Licensing Authority	
	Immigration	
	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	
x	We object to the application being granted at all
	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 change the Designated Premises Supervisor (DPS) to Alikhalil Abadi which was received on Friday 15th September 2023.

Mr Alikhalil Abadi has been the DPS of Club Sixty Six on two previous occasions during which time the licensing objectives have been undermined and as a result, formed part of the evidence presented by GMP in a recent application to review the premises license where the decision of the Licensing sub-Committee was to revoke the premises license.

Mr Abadi, was the DPS between 3rd and 15th November 2022 and GMP are aware of at least two occasions, patrons where allowed entry to the premises far past the last entry time and were allowed to leave the well past closing time.

- a. On Sunday 6th November 22: customers are observed being allowed entry to the premises past 03:28hours and were observed leaving past 04:20hrs.
- b. Saturday 12th November 2022: customers were observed being allowed entry to the premises past 03:00hours and with the main entrance still open at 03:22hours.

In relation to the second occasion, Mr Abadi was only the DPS for a week between the 7th and 14th July 2023 before resigning from his position.

Given the previous incidents during Mr Abadi's tenure as DPS GMP has concerns in relation to the management of the premises and a potential

	repeat whereby the premises license operating schedule and the licensing objectives are seriously undermined.
Public safety	Please state your reasons:
To prevent public nuisance	<i>Please state your reasons:</i>

<p>The protection of children from harm</p>	
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Section 3B – Suggestions/Further information

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

dated 18/09/2023

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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