

**AGENDA FOR
LICENSING HEARING SUB COMMITTEE**



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To: 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:	Friday, 12 January 2024
Place:	Virtual meeting via Microsoft Teams
Time:	10.30 am
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 - 10)*

The Minutes of the last Licensing Hearing Sub Committee meeting held at 10.00am on the 5th December 2023 are attached.

4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF OVERDRAUGHT, 28/30 BLACKBURN STREET, RADCLIFFE, M26 1NQ *(Pages 11 - 32)*

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

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 5th December 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: R Polacco (Proposed DPS)
P Strong (Applicant)
P Wheeldon (Applicant)
I Oldman- Bury Times (Press)

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 for absence were submitted from B Thomson- Head of Public Protection. No representors were in attendance.

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 15th November 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.00am on the 15th November 2023 be approved as a correct record.

4 AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF ICON, 511 BURY NEW ROAD, PRESTWICH, M25 3AJ

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of ICON, 511 Bury New Road, Prestwich, M25 3AJ.

The applicant for the licence is Icons International Limited, C/o Atr Accountancy & Bookkeeping Ltd, Unit 25 Europa House, Barcroft Street, Bury, BL9 5BT and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Roberto Davide Polacco, 20 Leyton Drive, Bury, BL9 9SL.

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

The Licensing Unit Manager presented the report and as part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them

Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

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

The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003 which was attached at Appendix 1 in the agenda packs.

Since the submission of the application for a premises licence by the applicant, the hours of operation have been amended due to the applicant being contacted by Greater Manchester Police. Mediation took place and the applicant had agreed to the following hours:

Opening Times:

Monday to Thursday – 11:00 till 00:00
Friday and Saturday – 11:00 till 01:30
Sunday – 11:00 till 23:00
Christmas Eve – 11:00 till 01:00
New Years Eve – 11:00 till 03:00
Christmas Day – 11:00 till 19:00
New Years Day – 11:00 till 23:00

Live Music (indoors only):

Monday to Thursday – 19:00 till 00:00
Friday and Saturday – 19:00 till 01:30
Sunday – 19:00 till 23:00
Christmas Eve – 11:00 till 01:00
New Years Eve – 11:00 till 03:00
Christmas Day – 11:00 till 19:00
New Years Day – 11:00 till 23:00

Recorded Music (both indoors and outdoors):

Monday to Thursday – 11:00 till 00:00
Friday and Saturday – 11:00 till 01:30
Sunday – 11:00 till 23:00

Supply of Alcohol (on the premises only):

Monday to Thursday – 11:00 till 23:30
Friday and Saturday – 11:00 till 01:00
Sunday – 11:00 till 10:30

Christmas Eve – 11:00 till 00:30
New Years Eve – 11:00 till 02:30
Christmas Day – 11:00 till 18:30
New Years Day – 11:00 till 22:30

It was noted that the timings on the application were only applicable after 11.00pm due to the implementation of the Live Music Act 2012 which now permits the premises to have regulated entertainment (Live Music and Recorded Music) Monday to Sunday between 8.00 until 23.00.

The conditions contained in the operating schedule submitted by the applicant were contained at Appendix 2 in the agenda packs.

Two relevant representations from an interested parties had been made against this application. A summary of this is detailed below:-

- Anti-Social Behaviour
- Noise from Indoor/Outdoor music
- Residential area
- Patrons leaving
- Two other venues in close proximity

The representations were attached at Appendix 3 in the agenda packs.

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.

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.

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

In making its decision with regard to this application hearing, the steps the Sub-Committee can take are:

- To grant the application in the terms requested
- To grant the application subject to conditions
- To amend or modify existing or proposed conditions

- To refuse the application

All licensing determinations should be considered on the individual merits of the application.

The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

The Sub-Committee is asked to determine what steps, as set out above, are appropriate for the promotion of the licensing objectives.

The Licensing Unit Manager provided Members with some background information that two temporary event notices had been submitted for the premises with one having taken place already. The other TEN for later in December would not be required if the application was granted.

An internal plan showing the layout of the venue had been circulated to Members prior to the hearing.

Mr Strong and Mr Wheeldon addressed the sub committee and told Members they were local residents of Prestwich and plans for an outside decking area would be delayed until the summer. Children would be allowed at the venue and it would offer a different experience to what was currently on offer in the area. Door staff would be experienced making people welcome and noise levels would be monitored. The building was derelict and a significant financial investment had been spent to provide a good standard of venue for the Prestwich area.

Communication would be undertaken with other bars in the area and audio level monitors had been installed inside the building alongside notices asking patrons to be respectful when they leave the premises. The police and licensing service had been given a guided tour of the venue and the type of music acts being provided were aimed at the older market. The stage area had also been sound proofed to reduce external noise.

Mr Polacco, the proposed DPS added he had undertaken the role for around 40 years and all aspects of the venue would be managed including when customers leave and managing sound levels with the ability to lower the volume if required.

Mr Wheeldon added that walkie talkies had been purchased for door staff and these would also be provided for another close by bar to aid communications.

The Licensing Unit Manager questioned who decides the sound levels and was this advised by environmental health. It was stated that sound engineers had installed equipment to not exceed the required levels and the planning department had been sent a noise level assessment plan.

The Licensing Unit Manager informed Members that there was no Pubwatch scheme in operation in Prestwich and the applicants stated they were happy to work with other bar owners in the area.

The Licensing Unit Manager enquired about only two door staff being on duty and the applicant explained that they would be in communication via radio and the front door to the venue could be locked of both were required inside the building.

The Licensing Unit Manager reminded Members that there is a review process that can be triggered if the licensing objectives are not met to address any concerns from different organisations and the general public.

The Sub-Committee then duly retired to consider the application.

The Members of the Panel 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:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) 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, which was updated in December 2022.

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives together with relevant representations presented by all parties.

Delegated decision

Following the adjournment to make the decision, the applicant was not available virtually to be present when Members returned to announce their decision. The Licensing Unit Manager would contact the applicant after the meeting to inform them of the outcome.

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations and assurances made by the applicant and in view of the agreement reached between the applicant and the Responsible Authority, the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed unanimously that the Sub- Committee **grant the application for a Premises Licence in the terms requested**, subject to the following conditions:-

Operating Schedule

- The premise is to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The type of system and the number/positioning of cameras is to be agreed in liaison with the police. The location of cameras will be recorded on the plan attached to the licence. The recording medium (e.g. discs/tapes/hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police/Authorised Officers of the Licensing Authority upon request. The premises licence holder or designated premises

supervisor is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request. The premises licence holder or the Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.

- The Premises License Holder or DPS is to conduct their own risk assessment with regards to the employment of SIA registered door supervisors taking into account key dates and events throughout the year such as the last Friday before Christmas Day (mad Friday), New Years Eve, Good Friday and Sundays of Bank Holidays. A minimum of two door supervisors will be employed at any one time.
- A log must be maintained at the premises showing the full name, date of birth and SIA badge number of the Door Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the Police, to SIA inspectors & to Authorised Officers of the Licensing Authority on request.
- Staff training shall take place on the Licensing Act and Licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
- No drink shall be removed from the premises in an unsealed container.
- The Premises License Holder or DPS will conduct their own risk assessment with regards to the consumption of alcohol from glass receptacles / bottles in outside areas designated for the consumption of alcohol, considering key dates and events throughout the year and decant all alcohol into plastic receptacles where required.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - all crimes reported to the venue, or by the venue to the Police
 - all ejections of patrons
 - any incidents of disorder
 - any faults in the CCTV system
 - any visit by a relevant authority or emergency service

- Customers are to be prevented from leaving the premises with glasses or open bottles.
- Empty bottles must be placed into locked bins to prevent them from being used as weapons.
- Prominent, clear, and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
- Music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.
- All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
- The beer garden / outside area is not to be used for licensable activities or for the consumption of alcohol after 22:00 hours daily.
- Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.
- The premises will operate a "Challenge 25" proof of age policy and signage is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport, photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.
- The premises is to maintain a refusals book to record the details of incidents/descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police/authorised officers of the Licensing Authority on request.
- That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff, namely:
 - i All spirits, flavoured spirits, alco pops (i.e. spirit based drinks mixed with soft drink/flavoured juice etc) which will include and not be limited to products such as "Bacardi Breezers" and similar products).
 - ii Cider
 - iii Lager

- No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
- No person under the age of 18yrs shall be permitted to remain on the premises after 20:00 hours

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 10.00am and ended at 10.48am)



Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	12 January 2024
Title of report:	An application from Greater Manchester Police for a Summary Review of the premises licence in respect of OverDraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	Radcliffe East

Executive Summary:

This report relates to an application by the Chief Constable of Greater Manchester Police in respect of the licence premises the OverDraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ for a Summary Review of the Premises Licence and for interim steps to be taken in advance of that review in accordance of that 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.

Recommendation

Options & recommended option

- To consider whether to impose interim steps

The steps available are:

- 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.

Key considerations

This is a Council Function that is delegated to the Licensing Hearings Sub-Committee by the Council's Constitution.

Community impact / Contribution to the Bury 2030 Strategy

Not applicable

Equality Impact and considerations:

A GM-wide Equality Impact Assessment has been undertaken and a copy is available on request.

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.

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
Not applicable	

Consultation:

Not applicable

Legal Implications:

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:

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Licensing Unit Manager
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BL9 0EJ Tel: 0161 253 5209 Email: m.bridge@bury.gov.uk

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

Term	Meaning
DPS	Designated Premises Supervisor

Background papers:

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

1.0 INTRODUCTION

- 1.1 This report relates to an application by the Chief Constable of Greater Manchester in respect of licensed premises known as the OverDraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ, for a summary review of the premises licence due to the premises being associated with serious crime or serious disorder or both. The Licensing Authority must consider whether interim steps are required pending a full summary review hearing.
- 1.2 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

- 1.3 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.
- 1.4 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
- 1.5 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.
- 1.6 The premises licence in respect of the OverDraught has been held by Mr Alistair Scott Johnson since 4 April 2011. Mr Johnson is the Designated Premises Supervisor since 4 April 2011.
- 1.7 The Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) is the relevant legislation.
- 1.8 The Local Authority is required to consider 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.
- 1.9 The Panel will 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.

2.0 BACKGROUND

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

"The premises are associated with serious crime and serious disorder.

At 00:16 hours on Saturday 6th January 2024, Greater Manchester Police received a report of a stabbing at Overdraught, 28-30 Blackburn Street, Radcliffe.

Witness statements have been obtained and the premises CCTV footage has been reviewed. The circumstances of this incident are at approximately 23:45 hours, two male perpetrators have entered the above licensed premises. Police are not aware of any incidents occurring inside however upon exiting, approximately 10 minutes later, a conversation has taken place between the perpetrators and other customers. At present, the content of those conversations are unknown however a fight has ensued near to the main entrance/exit.

Witnesses to the incident report seeing a 2inch blade being used by one off the perpetrators and two other customers who were victim to the attack received some serious injuries which included:

Victim 1: 2cm laceration to the left side of his face, close to the eye socket and a 6cm laceration to his left arm, just below the elbow. Swollen right elbow.

Victim 2: 2cm laceration to the back of the head, close to the base of the skull.

Both victims required hospital treatment, one of which fell uncouncious and unresponsive later in the morning.

No door supervision were on duty at the time of this incident and although the premises licence does not require the employment of door supervisors on a weekly basis, it is my opinion that this incident may have been avoided had they been employed. For that reason It is my opinion that an expedited review of the premises is necessary to allow the licensing authority to review/amend the license conditions and prevent a reoccurrence of such serious crime and disorder in the future.” (sic)

Attached to this report at Appendix 1 (Application by Greater Manchester Police for the Summary Review) and Appendix 2 (Certificate issued by the Chief Superintendent) respectively. Greater Manchester Police have supplied CCTV footage of the incident. This has been circulated to the Members of the Committee and the Premises Licence Holder prior to this hearing.

3.0 CURRENT LICENSABLE ACTIVITIES

- 3.1 The Premises Licence shows the current licensable activities and conditions is attached at Appendix 3.

4.0 DETERMINING THE APPLICATION FOR INTERIM STEPS TO BE IMPOSED

- 4.1 In determining whether or not to impose interim steps, pending the summary review of the premises licence which must be held within 28 days from the date of the application being received, members must consider the information presented in relation to serious crime and or serious disorder. If members decide to impose interim steps, the following options are available to the Licensing Authority:

- a. To modify the Conditions attached to the licence
- b. The exclusion of the sale of alcohol from the scope of the licence.
- c. The removal of the Designated Premises Supervisor from the licence.
- d. Suspension of the premises licence

- 4.2 For the purposes of subsection 4.1a, the conditions of a premises licence are modified if any of them are altered or omitted or any new condition is added.

5.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

- 5.1 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.

- 5.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

- 5.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when

considering the lawfulness and merits of any decision taken.

6.0 CONCLUSION

6.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:

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

6.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council’s licensing policy statement.

6.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.

6.4 In making its decision with regard to this interim steps hearing, the steps the Sub-Committee can take are:

- a) To modify the conditions of the licence;
- b) To exclude any of the licensable activities from the licence;
- c) To remove the designated premises supervisor;
- d) To suspend the licence

6.5 The conditions of the licence, with the exception of mandatory conditions of the premises licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.

6.6 All licensing determinations should be considered on the individual merits of the application.

6.7 The Sub-Committee’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

6.9 The Sub-Committee is asked to determine what steps, as set out in 6.4 above, are appropriate for the promotion of the licensing objectives.

GREATER MANCHESTER POLICE

SCHEDULE 8A

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

I. Police Constable Peter Eccleston 15913

(on behalf of) the chief officer of police for the police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises.

OVERDRAUGHT, 28-30 BLACKBURN STREET

Post town: RADCLIFFE, BURY

Postcode: M26 1NQ

2. Premises licence details

Name of Premises licence holder (if known);

Alistair Scott Johnson

Number of Premises Licence PL0014

3. Certificate under section 53A(1)(b) of the Licensing Act 2003

I confirm that a certificate has been given by a senior member of the police force for the police area above, that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

Both Serious Crime & Serious Disorder.

At 00:16 hours on Saturday 6th January 2024, Greater Manchester Police attended reports of serious crime and serious disorder at Overdraught, 28-30 Blackburn Street, Radcliffe. As a result of this incident, two crimes were recorded for S.18 Assault (wounding with intent)

Through speaking to witnesses and reviewing CCTV footage. It has been established that at approximately 23:55hrs on the evening of Friday 5th January 2024, two unknown patrons, who have not been seen in the premises prior to that day where in conversation with two other regular customers outside the premises. The exact content of this conversation is unknown, however from the footage, it appears that something untoward may have been said which has resulted in the conversation escalating into serious violence.

I have reviewed the CCTV footage and although the incident is over with within seconds, one of the victims is punched continuously to the face and head and at one point one of the offenders appears to be making a stabbing motion with his hand at the back of the victim's head. The other victim and friend, tries to intervene and again he is attacked and punched in the head several times.

Although the external footage provided by the licensed premises is not the best quality you can see one of the offenders, loose grip of something which then drops to the floor during the attack and prior to making off from the scene, the same offender picks it back up again. Evidence obtained from witnesses and the victims suggest that the item dropped on the floor was a knife approximately two inches in length.

Both victims received injuries consistent with a bladed weapon being used. One victim received a 2cm cut to the left side of his face, close to the eye socket and a 6cm slash to his left arm, just below the elbow. The second victim received a 2cm laceration to the back of the head, close to the base of the skull which could have had the potential to permanently paralyse or even prove fatal if he was struck millimetres either side.

Certainly, one of the victims lost a substantial amount of blood and officers at the scene report seeing a substantial amount of blood within the premises toilets.

Both victims required hospital treatment and although one of the victims initially refused to attend hospital, he fell unconscious and unresponsive when he returned home at which point an Ambulance had to be called by family members.

A copy of the premises CCTV footage has been included with this application. Clip 1 shows one of the offenders who we believe has possession of the knife exiting the premises and waiting for the second offender to arrive after which both enter the premises (clip 2). Clip 3 shows both offenders exiting the premises approximately 10 minutes later and stood outside the premises. Clip 4 shows both victims and offenders outside the premises having a conversation which erupts into the serious crime and disorder. It also shows the offender dropping and picking up the knife prior to making off from the scene.

No door supervisors were on duty at the premises to prevent this incident occurring and having inspected the Premises License, there are no specific conditions within the license which commits the premises to employ SIA registered door supervisors on a weekly basis and more specifically at weekends when the licence extends to 2am.

Had door supervision been on duty, this incident may have been prevented whether that be intervening early to prevent the escalation in the first place and/or searching of patrons prior to entry, which would have prevented the presence of lethal weapon on licensed premises.

Given there isn't a substantial history of incidents reported to the police relating to this licensed premises, there is no intention to request a suspension or revocation of the current premises license and therefore it is the opinion of Greater Manchester Police that an expedited review is necessary to allow the licensing authority to review/amend the license conditions and prevent a reoccurrence of such serious crime and disorder.

Greater Manchester Police would like the Licensing Authority to consider the below amendments to the current premises license under the below licensing objectives.

PREVENTION OF CRIME AND DISORDER:

In addition to the current conditions, please consider:

1. A SIA registered door company will be employed by the License Holder / Designated Premises Supervisor. A minimum of two door supervisors will be employed between the times of 9pm until close of business every Friday, Saturday, Sunday of bank holidays and other keys dates throughout the year.
2. At the point of entry, every customer will be search by door supervisors and items such as drugs and weapons of any kind will be seized and the License Holder and/or designated premises supervisor will notify the police.
3. Security staff are to use their best endeavours to prevent persons loitering outside the premises.
4. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - (a) all crimes reported to the venue, or by the venue to the Police
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service
5. All licensable activity it to cease half an hour prior to closure to allow drinking up time and the safe dispersal of patrons.

PREVENTION OF PUBLIC NUISANCE:

In addition to the current conditions, please consider:

1. Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.

PROTECTION OF CHILDREN FROM HARM:

With regards to item 13 of the current conditions, please consider amending to the below:

1. The premises will operate a "Challenge 25" proof of age policy and signage to this is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.

Signature of Applicant:

 PC 15913

Date: 10/01/2024

Capacity: Police Licensing Officer

Contact details for matters concerning this application:

Address; Bury Police Station, Dunster Rd, BL9 ORD

Telephone number: 0161 856 2256

Email: peter.eccleston@gmp.police.uk

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

Overdraught, 28-30 Blackburn Street, Radcliffe, Bury, M26 1NQ

Premises licence number (if known): PL0014

Name of premises supervisor (if known): Alistair Scott Johnson

I am a Chief Superintendent Hill³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The premises are associated with serious crime and serious disorder.

At 00:16 hours on Saturday 6th January 2024, Greater Manchester Police received a report of a stabbing at Overdraught, 28-30 Blackburn Street, Radcliffe.

Witness statements have been obtained and the premises CCTV footage has been reviewed. The circumstances of this incident are at approximately 23:45 hours, two male perpetrators have entered the above licensed premises. Police are not aware of any incidents occurring inside however upon exiting, approximately 10 minutes later, a conversation has taken place between the perpetrators and other customers. At present, the content of those conversations are unknown however a fight has ensued near to the main entrance/exit.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.


Witnesses to the incident report seeing a 2inch blade being used by one off the perpatrators and two other customers who were victim to the attack received some serious injuries which included:

Victim 1: 2cm laceration to the left side of his face, close to the eye socket and a 6cm laceration to his left arm, just below the elbow. Swollen right elbow.

Victim 2: 2cm laceration to the back of the head, close to the base of the skull.

Both victims required hospital treatment, one of which fell uncouncious and unresponsive later in the morning.

No door supervision were on duty at the time of this incident and although the premises license does not require the employment of door supervisors on a weekly basis, it is my opinion that this incident may have been avoided had they been employed. For that reason It is my opinion that an expedited review of the premises is necessary to allow the licensing authority to review/amend the license conditions and prevent a reoccurrence of such serious crime and disorder in the future.

 . C/Supt. 9/1/24

.....
(Signed)

(Date)

Licensing Act 2003

Premises Licence

PL0014

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

OverDraught

28/30 Blackburn Street, Radcliffe, Greater Manchester, M26 1NQ.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
E. Performance of live music (Indoors)	Monday - Wednesday	11:00am	11:00pm	
	Thursday - Saturday	11:00am	2:00am	
	Sunday	Noon	10:30pm	
	Easter Sunday	Noon	10:30pm	
	Sundays prior to Bank Holidays	11:00am	2:00am	Except Easter Sunday
	Other Bank & Public Holidays			See Embedded Conditions
F. Playing of recorded music (Indoors)	Monday - Wednesday	11:00am	11:00pm	
	Thursday - Saturday	11:00am	2:00am	
	Sunday	Noon	10:30pm	
	Easter Sunday	Noon	10:30pm	
	Sundays prior to Bank Holidays	11:00am	2:00am	Except Easter Sunday
	Other Bank & Public Holidays			See Embedded Conditions
I. Late night refreshment (Indoors)	Thursday - Saturday	11:00pm	2:30am	
	Sundays prior to Bank Holidays	11:00pm	2:30am	Except Easter Sunday
	Other Bank & Public Holidays			See Embedded Conditions
J. Supply of alcohol for consumption ON and OFF the premises	Monday - Wednesday	11:00am	11:00pm	
	Thursday - Saturday	11:00am	2:00am	
	Sunday	Noon	10:30pm	
	Easter Sunday	Noon	10:30pm	
	Sundays prior to Bank Holidays	11:00am	2:00am	Except Easter Sunday
	Other Bank & Public Holidays			See Embedded Conditions

**BURY COUNCIL**

Licensing Unit
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Telephone 0161 253 5208

10/01/2024

Licensing Act 2003

Premises Licence**PL0014****THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Alistair Scott Johnson
theoverdraught@gmail.com

12 Ampleforth Gardens, Radcliffe, Greater Manchester, M26 3PH.
Telephone 01619593904

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Alistair Scott JOHNSON

12 Ampleforth Gardens, Radcliffe, Greater Manchester, M26 3PH.
Telephone 01619593904

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. BUR1342

Issued by Bury

Licensing Act 2003

Premises Licence

PL0014

ANNEXES

LICENSING ACT 2003

CONDITIONS ATTACHED TO THE GRANT OF THIS LICENCE

This licence is granted subject to any **Mandatory Conditions** imposed by the Licensing Act 2003, **Embedded Conditions** carried across on conversion of your previously held Justices Licence, **Conditions Converted** from any previously held Public Entertainments Licence, **Conditions volunteered** on the application form to be undertaken by the applicant and where necessary, **Conditions imposed by the Licensing Authority** in order to promote the Licensing Objectives.

1. Mandatory Conditions:

- a No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor (DPS) in respect of the Premises Licence OR at a time when the Designated Premises Supervisor does not hold a Personal Licence or his/her Personal Licence has been suspended.
- b Every supply of alcohol under the Premises Licence must be made or authorized by a person who holds a Personal Licence.
- c Any Door Security staff employed to carry out a security activity at the premises must be licensed with the Security Industry Authority (SIA).
- d In respect of the exhibition of films as mentioned below:
 - 1 The admission of children to the exhibitions of any film is restricted as follows:
 - 2 Where the film classification body is specified in the licence, unless 3(b) below applies, the admission of children is restricted in accordance with any recommendation of that body.
 - 3 Where:-
 - (a) the film classification body is not specified in this licence, or
 - (b) the licensing authority has notified the holder of the licence that this subsection applies to the film in question,
 the admission of children is restricted in accordance with any recommendation made by the licensing authority.
 - 4 In relation to the above:

“children” means persons under the age of 18 years; and
“film classification body” means the persons or person designated as the authority under section 4 of the Video Recordings Act 1984.

2. Additional Mandatory Conditions pursuant to The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the

Licensing Act 2003

Premises Licence

PL0014

ANNEXES continued ...

premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or

supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

5. The following two conditions take effect as from 1st October 2010.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Licensing Act 2003 Premises Licence

PL0014

ANNEXES continued ...

6. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml;
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

7. Definition:

Responsible person - as defined by section 153 (4) Licensing Act 2003 -

(a) *In relation to a licensed premises -*

- (i) *the holder of a premises licence in relation to a premises*
- (ii) *the designated premises supervisor (if any) under such a licence*
- (iii) *any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.*

(b) *In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question*

Prevention of Public Nuisance

1. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of the local residents and to leave the premises and area quietly.
2. Music and associated other noise sources (e.g. DJ's and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.
3. All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
4. On occasions when the premises are used/hired to hold an 18th birthday party, at least one SIA registered security staff is to be employed at the premises for the duration of the function. In addition, on such occasions, sale of alcohol and the provision of regulated entertainment is to cease no later than 23.00hrs.
5. At an appropriate time before closing time, announcements should be made reminding customers to leave quietly.

Prevention of Crime and Disorder

Licensing Act 2003

Premises Licence

PL0014

ANNEXES continued ...

6. The Premise is to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The type of system and the number/positioning of cameras is to be agreed in liaison with the police. The location of the cameras will be recorded on the plan attached to the licence. The recording medium (e.g. discs/tapes/hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police/Authorised Officers of the Licensing Authority upon request. The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premise licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data request and within no more than 12 hours from the trime of the request. The premises licence holder or the Designated Premises Supervisor must notify the licensing office or the police in the event of CCTV breakdown or malfunction as soon as reasonably practicable and in any event within 24hrs.

On an annual basis [or at a greater frequency specified] the premises licence holder or the DPS is to notify the licensing office in writing that the CCTV system has been checked, maintained to any recognised specification and is in working order. An action plan to be agreed to rectify any recorded malfunction or planned alterations.

7. A Personal Licence holder must be on the premises on Thursdays, Fridays and Saturdays between 9pm and close of business.
8. A daily log must be maintained at the premises showing the full name, date of birth and SIA badge number of the Door Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the Police, to SIA inspectors & to Authorised Officers of the Licensing Authority on request.
9. Staff training shall take place on the Licensing Act and licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
10. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery or from moving from one part of the premises to another.
11. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

Public Safety

12. Customers are to be prevented from leaving the premises with glasses or open bottles. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.

Protection of Childern from Harm

13. The premises will operate a "Challenge 21 or 25" proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 21/25 must produce for thorough scrutiny by staff, proof of identity/age before being sold / supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should to be accepted as proof of age.

Licensing Act 2003

Premises Licence

PL0014

ANNEXES continued ...

14. The premises is to maintain a refusals book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police / authorised officers of the Licensing Authority on request.

MBridge

Signature of Authorised Officer

Licensing Act 2003

Premises Licence Summary **PL0014**

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

OverDraught

28/30 Blackburn Street, Radcliffe, Greater Manchester, M26 1NQ.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
E. Performance of live music (Indoors)	Monday - Wednesday	11:00am	11:00pm	
	Thursday - Saturday	11:00am	2:00am	
	Sunday	Noon	10:30pm	
	Easter Sunday	Noon	10:30pm	
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	Other Bank & Public Holidays			See Embedded Conditions
F. Playing of recorded music (Indoors)	Monday - Wednesday	11:00am	11:00pm	
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	Other Bank & Public Holidays			See Embedded Conditions
J. Supply of alcohol for consumption ON and OFF the premises	Monday - Wednesday	11:00am	11:00pm	
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	Sundays prior to Bank Holidays	11:00am	2:00am	Except Easter Sunday
	Other Bank & Public Holidays			See Embedded Conditions



BURY COUNCIL

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10/01/2024

Licensing Act 2003
Premises Licence Summary **PL0014**

THE OPENING HOURS OF THE PREMISES		
Description	Time From	Time To

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Alistair Scott Johnson 12 Ampleforth Gardens, Radcliffe, Greater Manchester, M26 3PH.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Alistair Scott JOHNSON

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

MBridge.

Signature of Authorised Officer

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