

**Minutes of: LICENSING HEARING SUB COMMITTEE**

**Date of Meeting:** 19 July 2024

**Present:** Councillor I Rizvi (in the Chair)  
Councillors G Marsden and G McGill

L. Jones (Licensing Unit)  
M. Cunliffe (Democratic Services)  
C Riley (Legal Services)  
C Smith (Head of Public Protection)

**Also in attendance:** PC P. Eccleston (Greater Manchester Police)  
M. Wood (Premises Licence Holder)  
M. Ireland (Legal representative for the Premises Licence Holder)  
K. Torgersen (Legal representative for the Premises Licence Holder)  
Councillor A. Booth (Observing)  
C. Gee (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 other members of the public or press were in virtual attendance.

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**1 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

**3 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF SKY BAR, UNIT 4, KAY GARDENS, BURY, BL9 0BL**

The Licensing Authority received an application by a Detective Superintendent of Greater Manchester Police in respect of the licensed premises, Sky Bar, Unit 4, Kay Gardens, Bury, BL9 0BL. This was for a Summary Review of the Premises Licence and for interim steps to be taken in advance of that review in accordance with Sections 53A to 53C of the Licensing Act. The reason for the application was because the police believe that the premises are associated with serious crime and serious 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 Officer, Ms L. Jones.

The options available were as follows:-

- To modify the conditions of the licence
- To exclude the retail sale of alcohol from the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding 3 months.
- To revoke the licence.
- To take no action

Attention was drawn to background papers which included:

Current Premises Licence

Section 53A application, Certificate and supporting evidence

Licensing Hearings Sub Committee- Report (interim steps hearing) – 25<sup>th</sup> June 2024

Licensing Hearings Sub Committee- Minutes (interim steps hearing) – 25<sup>th</sup> June 2024

On the 24<sup>th</sup> June 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Sky Bar, Unit 4, Kay Gardens, Bury, BL9 0BL, because they believed that the premises was associated with Serious Crime and/or 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.

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 any 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.

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 25<sup>th</sup> June 2024, 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 these would be to modify the conditions to state that SIA registered door staff to be on duty at the Premises from 20:00 every night. The reasons for the Sub-Committee's decision were attached at Appendix 1 in 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.

The premises licence holder has not made representations against the interim steps taken by the licensing authority.

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 Sky Bar has been held by Sky Bar (Bury) Ltd since the 9<sup>th</sup> December 2019. Michael Wood and Kieley Neill are Directors of the limited company. Michael Wood is also the Designated Premises Supervisor and has been since the 21<sup>st</sup> September 2021.

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

The 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.

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

The premises are associated with serious crime and serious disorder.

At 00:14 hours on the morning of Friday the 21<sup>st</sup> June 2024 an incident of serious disorder occurred at the above premises resulting in a customer being struck by an advertising board and seemingly being knocked unconscious and a female member of staff being punched to the face which knocked off her feet resulting in her colliding with a lamp post.

The offenders in this case have then fled the scene after being approached by another customer and threatened with a large adjustable spanner which was taken from behind the bar at the venue. A few minutes later, several customers from Sky Bar (one which was still carrying the adjustable spanner), and two members of staff have pursued the two males onto Bury Interchange. A brief exchange has taken place before both males are attacked. The male from the initial assault outside Sky Bar has attempted to flee, however he trips and is then beaten 7 to 8 times in the head by one of the pursuing customers, with the adjustable spanner causing significant injuries to his head and face resulting in a complete loss of consciousness and a substantial loss of blood.

Whilst on the floor unconscious, the same offender kicks the male in the torso and one of the staff members hits the customer with what appears to be a bag. All parties then flee the scene leaving the male in a serious condition and the second member of staff, flees with the customer responsible for the assault. During the investigation, it transpires that this second member of staff is responsible for discarding the weapon in a bin at the far side of the interchange before returning to the premises and continuing with his duties.

The Detective Superintendent opinion was that an expedited review of the premises licence is necessary to allow the licence authority to review/amend the licence conditions and prevent a reoccurrence of such serious crime and disorder.

Attached to the report contained within the agenda pack:-

Appendix 2 (Application by Greater Manchester Police for the Summary Review) and Appendix 3 (Certificate issued by the Detective Superintendent) respectively.

As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of this review by placing a Notice on the premises, at the Council Offices and on the Council website. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them. Greater Manchester Police will give evidence at the hearing.

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

- a. The prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

No further representations were received, however 3 emails in support were received from customers of the premises. These were attached at Appendix 4 in the agenda pack.

The premises licence which showed the current licensable activities and conditions was attached at Appendix 5 of the agenda pack.

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.

In considering the matter, the Sub-Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, any relevant representations, and review the interim steps already taken (if any).

In making its final determination, the steps the Sub-Committee can take are:

- To modify the conditions of the premises licence
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To remove the designated premises supervisor from the licence;
- To suspend the licence for a period not exceeding 3 months;
- To revoke the premises licence.
- To take no action

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.

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.

The Sub-Committee was asked to determine what steps are appropriate for the promotion of the licensing objectives.

The Sub-Committee's determination of the review does not have effect until the end of the 21-day period given for appealing the decision, or until the disposal of any appeal that is lodged.

To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the final review hearing. This is to be done immediately after the determination of the review under s53C. In reaching its decision, the panel must consider any relevant representations made.

Upon the determination of the licence review, the Sub-Committee is asked to 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 Licensing Unit Officer stated that further information had been circulated since publication of the agenda packs and this included:-

- GMP Witness Statement
- GMP Incident Logs
- GMP Crime reports
- GMP CCTV footage
- GMP Photographs
- Documents from the Premises Licence Holder including witness statements, letters of support and proposed conditions

PC P. Eccleston from Greater Manchester Police addressed the committee and reported he was the Divisional Licensing Officer and had been delegated to act on behalf of the Chief Constable relating to all matters as defined under the Licensing act 2003 (hearings) Regulations 2005.

*On the 9<sup>th</sup> December 2019 Sky Bar received its premises licence for the first time at Unit 4, Kay Gardens, Bury, BL9 0BL. Sky Bar (Bury) Ltd was and still is the current premises license holder with Mr Michael Wood registered as one of two company directors. Since the premises opened, there have been 3 variations to the Designated Premises Supervisor with Mr Michael Wood nominating himself back in August 2021.*

*Having completed research on Greater Manchester Police recording systems there has been a total of 57 Incidents reported to the police and 31 crimes (predominately low-level assaults – S.39 assaults) recorded as a result of those calls in 2024. Out of those reported incidents, there was a high proportion which have been made by staff at the premises which are reporting ongoing disturbances or issues with customers whether that be they are refusing to leave or out of concern for their welfare. There have also been two reported 'spiking' incidents however none have been confirmed as a spiking and there have been evidential difficulties due to the alleged victims visiting numerous premises throughout the course of the evening.*

*PC P. Eccleston stated that some of these incidents were only included as Sky Bar was the nearest local landmark and was recorded as the physical location for data purposes.*

*In 2024, there was only one other noticeable incident which took place at Sky Bar and that was in relation to log reference: 003620-19042024. In summary, two young male customers (over 18yrs) had been in dispute with other customers. At this point, no violence had been used and SIA door supervisors stepped in early to prevent any escalation. The two young male customers were ejected from the premises however they refused to go quietly and whilst being ejected, they became violent with the door supervisors and proceeded to hit them with metal poles which formed part of the barriers for the smoking area just outside the front door. The two young male customers were detained by the door supervisors assisted by other customers until police arrived, at which point both males were arrested. At present, the investigation was still ongoing, and the evidence has been put before the CPS for a decision with regards potential charges.*

*Following this incident, I had a discussion with Mr Woods and on my recommendations, he put into place a series of measures to try and prevent an incident of this nature re-occurring. Some of those measure included increased searching of customer prior to entering the premises and the removal/securing any street furniture which formed part of the pavement licence and from what I have witnessed this is being carried out.*

*PC P. Eccleston explained that chairs were chained up and barriers for the smoking area were dismantled.*

*Looking through the entire history of incidents and crimes involving Sky Bar, the incident on Friday 21<sup>st</sup> June 2024 is the most serious in terms of the level of violence and injury caused hence the request for an expedited (Serious Crime & Serious Disorder) and full review of the premises licence by Greater Manchester Police so that the licensing committee are made aware, and a decision made on what course of action to take.*

*The circumstances of the incident which resulted in a serious assault on the 21<sup>st</sup> June 2024 are as follows: Between 00:14 and 00:18 hours that morning an incident of Serious Disorder and Serious Crime occurred immediately outside and in the nearby Bury Interchange which is associated to SKY BAR.*

*Two customers were confronted outside the venue after they were seen to be drinking alcohol from glassware in a public place. The glasses were removed from the customers by a member of staff, who at the time was not on duty and had been drinking alcohol themselves. The two males have then followed the member of staff back into the bar, at which point a verbal exchange has taken place and they are escorted out of the premises by both staff and other customers.*

*Whilst immediately outside, one of the ejected customers has picked a wooden advertising board and proceeded to hit another male customer over the head twice resulting in him being knocked unconscious. Following this initial assault, a female member of staff who was present, is punched once in the face by the same male customer which knocks her backwards off her feet and into one of the support stanchions for the canopy outside hitting her head in the process.*

*As the two customers were being escorted off the premises, another customer, who is the partner of one of the bar managers, picks up a large adjustable wrench which had been left behind the bar and following the assaults, threatens the two ejected customers resulting in them fleeing the scene and onto the nearby interchange.*

*Two to three minutes later, two members of bar staff and several other customers, including the customer holding the wrench, pursues the males onto the interchange. There is a brief verbal exchange before one of the customers present, takes hold of the adjustable wrench and lunges at the two ejected customers. Both males try to flee, however in doing so, one of the*

*male's trips and falls to floor at which point the male customer, who is now holding the wrench, approaches and proceeds to beat this male in the face and over the head several times with said wrench before proceeding to kick him. At this point, one of the members of staff joins in and hits him with what appears to be a small shoulder bag whilst lying helpless and unconscious in the middle of the road.*

*Following this serious assault, those present flee the scene, with the majority returning to the premises however, the male customer responsible for the assault with the wrench and a member of staff, flee in the opposite direction. During the investigation, CCTV evidence was reviewed and the investigating officers have been able to establish that this member of staff is responsible for disposing of the weapon in a bin on the far side of the interchange. Fortunately, the male customer who was beaten with the wrench, survived the attack however as a result, his injuries consisted of a fractured jaw and the loss of several teeth along with several lacerations, bruising and swelling.*

*In the immediate aftermath, two individuals were arrested at the time and were subsequently questioned by police. Investigating officers tried to piece together evidence in relation to this incident, and a request was made to SKY BAR for a copy of their CCTV footage however, on the night they were told by staff that there was no one present who had access to the CCTV system and therefore could not produce a copy there and then. Footage has been recovered since, along with footage from Bury Council and TFGM with regards to the interchange.*

*A crime has been recorded for a Section 18 Assault (Wounding with Intent) and although the investigation is still ongoing, PC P. Eccleston was able to confirm that a total of three individuals have been questioned in connection with this incident to date.*

PC P. Eccleston made reference to the other documents which had been circulated after the agenda pack was published. He added if members are minded not to revoke the licence, Greater Manchester Police would like to suggest additional conditions be placed on the licence to ensure that the licensing objectives are met. These were detailed in the GMP Witness Statement.

PC P. Eccleston had circulated to the Committee all the CCTV footage and this now included videos of the wrench being placed in a waste bin nearby.

At the request of Members, some parts of the CCTV footage were played to highlight the initial incident and to show the assault.

Mr M. Ireland (Legal representative for the Premises Licence Holder) asked if there had been any issues with the Door Supervisors. PC P. Eccleston reported there were no issues and he had been out with the crime reduction advisor 2 weeks ago and had witnessed the stop and search of customers with metal detecting wands being used along with drugs being seized. Visiting the venue yesterday, 34 bags of drugs and a knuckle duster was recovered from the venue's secure box.

A Member of the panel enquired about the crime statistics compared to other town centre venues and had arrests been made in connection with the incident. PC P. Eccleston reported compared to Silver Street venues it was even or lower and the number of incidents linked to the venue was higher due to the bar being the nearest location on Kay Gardens. Three arrests had also been conducted with two taking place on the day of the incident. CID are working on the case and another person may be spoken to in due course.

The Legal representative for the Premises Licence Holder referred to the document pack they had produced and offered apologies on behalf of Alexandra Smith who could not be present at

the hearing. The document painted a picture of the venue which was liked by staff and customers as a friendly and safe place with it being an asset to the community.

A number of support letters were included in the pack and the Legal representative for the Premises Licence Holder drew attention to some of these highlighting those from elderly customers and asked that they be considered.

The Legal representative for the Premises Licence Holder reported that 2 members of staff involved in the incident had been dismissed from their employment at the venue as a result of the incident. This was a painful decision for the Premises Licence Holder but it had been undertaken to uphold the licensing objectives.

The Legal representative for the Premises Licence Holder summarised that this was a horrific incident with short comings from not de-escalating a situation and leaving a potential weapon under the bar but this was carelessness and not done with any malice. The person who hit the victim was responsible and this was an isolated incident.

The Legal representative for the Premises Licence Holder reported that Sky Bar had been reaccredited with the Best Bar None scheme and staff had been trained to access the CCTV system without any delay.

The Legal representative for the Premises Licence Holder provided a summary of the options available to the committee and added supporting information for the Premises to each of the possible outcomes. The option to modify conditions of the licence was deemed acceptable although there were differences between their proposed conditions contained in the supporting papers and those submitted by GMP. There had been no time to hold talks before the meeting and agree on all the conditions. The Legal representative for the Premises Licence Holder went through the GMP proposed conditions and provided explanation on why some needed to be amended, removed and which were acceptable.

A Member commented why had the dismissals of staff taken so long. The Legal Advisor to the Committee reported that employment law needed to be considered and the extra CCTV footage was released at a later date, so there was a wait for all evidence to be presented.

A Member asked had anyone from the venue reached out to the victim of the serious assault and it was reported no.

A Member enquired had the dismissed staff been barred from the premises and it was reported yes. A discussion also took place about the spanner and its use behind the bar for changing gas canisters.

Members asked was a knife displayed by the victim of the serious assault and no weapon was reported as seen or had been found on the victim.

A Member questioned if the drinks removed from the victim on the street had been purchased from the bar. It was reported they had been in and out of the bar on the evening but these had been purchased off site.

Greater Manchester Police in their summing reported this was the most serious recorded incident at the venue and if members were minded not to revoke the licence, GMP would like the additional conditions to be placed on the licence to ensure that the licensing objectives are met.

The Legal representative for the Premises Licence Holder in their closing remarks



requested that the interim steps be removed as door supervision was not required every night going forward. They had provided comfort to the Committee during the review process period and there had been no further incidents.

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 consider the representations presented at the meeting.

### **DELEGATED DECISION**

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime & disorder and public safety. It was therefore unanimously **resolved to modify the conditions of the licence** in order to promote the licensing objectives.

The Sub-Committee also reviewed the interim steps and unanimously **resolved to withdraw the interim steps in place due to the new conditions on the licence.**

The evidence presented at the meeting had demonstrated the following licensing objectives had not been met:-

- The prevention of crime and disorder
- Public Safety

The reasons by the sub-committee, included:-

- The violence used throughout the prolonged incident was considered to meet the criteria of serious disorder.
- Management and actions of the venue had an impact on public safety.

The Sub-Committee was therefore satisfied that there was **sufficient evidence to mean modifications were necessary for amendments to the current premises licence under the licensing objectives recommended by GMP, with some amendments from the Committee**, these were as follows:-

### **PREVENTION OF CRIME AND DISORDER:**

- a) Following a risk assessment relating to televised sporting events throughout the year, the premises licence holder/DPS will employ SIA registered door supervisors upon the requirement of the Police whether that be via verbal or written communication.

- b) The premises licence holder/DPS will employ a SIA approved contractor scheme company, or a SIA registered company approved by Greater Manchester Police Licensing Officer.
- c) A door supervisors 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.
- d) 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 (delete as appropriate):
  - (i) All alleged crimes reported to the venue or by the venue to the police.
  - (ii) All ejections of patrons.
  - (iii) Any complaints received.
  - (iv) Any incidents of disorder
  - (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
  - (vi) Any faults in the CCTV system, searching equipment or scanning equipment.
  - (vii) Any refusal of the sale of alcohol
  - (viii) Any faults in the CCTV system, searching equipment or scanning equipment.
  - (ix) Any visit by a responsible authority or emergency service
  - (x) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.
- e) All staff authorised to sell alcohol shall be trained in:
  - I. Relevant age restrictions in respect of products
  - II. Prevent underage sales.
  - III. Prevent proxy sales.
  - IV. Maintain the refusals log.
  - V. Enter sales correctly on the tills so the prompts show as appropriate.
  - VI. Recognising signs of drunkenness and vulnerability
  - VII. How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
  - VIII. How to refuse service
  - IX. The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment.
  - X. Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services.
  - XI. The conditions in force under this licence.
  - XII. Conflict resolution
  - XIII. First Aid training (every 12 months)
  - XIV. The licensing objectives
- f) Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.
- g) Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals unless otherwise stated. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Bury Council.

- h) A Personal licence Holder must be present at the premises to supervise all sales of alcohol.
- i) All outdoor furniture which forms part of pavement licence or otherwise, is to be securely stored from 8pm every day of the week to prevent use as weapons.
- j) 1 in 5 Patrons or less are to be searched as a condition of entry when door supervisors are on duty.
- k) A lockable box is to be used for the safe and secure storage of any found/confiscated drugs.
- l) Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as the right-hand side of the front door not going past the boundary of the premises. No more than 10 customers will be permitted to remain in the designated smoking area at any one time.

Removal of condition 11 on the current premises licence and to replace with the following:

Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers except for consumption in any delineated external area as shown on the plan attached to the licence for example an authorised pavement licence.

**COUNCILLOR IRIZVI**  
**Chair**

**(Note: The meeting started at 1.00pm and ended at 4.05pm)**