AGENDA FOR

LICENSING HEARING SUB COMMITTEE

Contact: Michael Cunliffe
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To: All Members of Licensing Hearing Sub Committee

Councillors : I Rizvi (Chair), G Marsden and G McGill

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:	Thursday, 27 February 2025
Place:	Virtual meeting via Microsoft Teams
Time:	1.00 pm
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 APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF VENEZIA, 5 SQUARE STREET, RAMSBOTTOM, BL0 9BE *(Pages 3 - 44)*

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

Agenda Item 3

Bury Council

Classification Open / Closed	Item No.

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	27 February 2025
Title of report:	Application to vary the Premises Licence to specify a change of Designated Premises Supervisor in respect of Venezia, 5 Square Street, Ramsbottom, BL0 9BE
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	Ramsbottom

Executive Summary:

This report relates to an application under section 37 of the Licensing Act 2003, from 5 Rams Limited, to vary the Premises Licence held by them, in respect of Venezia, 5 Square Street, Ramsbottom to specify a change of Designated Premises Supervisor (DPS). The Greater Manchester Police in their capacity as 'A Responsible Authority' have made a representation in respect of the application.

Recommendation(s)

- To grant the application
- To refuse the application and remove the DPS

1.0 INTRODUCTION

1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.

1.2 The Licensing Hearings Sub-Committee will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

1.3 Under the provisions of section 37(5) of the Act, where the chief officer of police notified of an application to specify an individual as a DPS, is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant Licensing Authority a notice stating the reasons he is so satisfied.

2.0 BACKGROUND

2.1 The applicant has complied with all the necessary procedural requirements laid down by the Act.

2.2 On the application form it has been requested that the application have immediate effect under section 38 of the Act which allows the premises to continue to sell alcohol until such time that this application is determined or withdrawn.

3.0 THE APPLICATION

3.1 Paragraph 4.3 of the Guidance issued under Section 182 of the Licensing Act 2003, states: -

Any premises at which alcohol is sold or supplied where the requirement for a personal licence holder does apply may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence. However, the requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to be present on the premises or oversee each sale; it is sufficient that such sales are authorised.

3.2 The application from 5 Rams Limited names Mr Paul Sarnoe of 35 Hollins Drive, Bolton, BL2 1DH as the new DPS. It is confirmed that Mr Paul Sarnoe is the holder of a Personal Licence granted by Bolton Council.

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

4.1 Greater Manchester Police will shortly give their reasons for their representation in relation to this application in which they request the Panel to refuse the application. The representation is attached at Appendix One.

5.0 OBSERVATIONS

5.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

> *A public authority must, in the exercise of its functions, have due regard to the need to -*
>
> (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
>
> (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
>
> (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	*Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.*
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**
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

Consultation:

Not Applicable

Legal Implications:

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Report Author and Contact Details:

For further information on the details of this report, please contact:

Mr M Bridge
Licensing Office
Town Hall
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

Background papers:

List of Background Papers:-
Application form
Representation received

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

Term	Meaning

Appendix One

Greater Manchester Police Representation with Appendices

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

Section 1 - Application Details	
We object to the following Application: **VENEZIA** **5 Square Street** **Ramsbottom** **BL0 9BE**	
Type of application. Application to vary the DPS	
Application Number (if known):	

Section 2 – Responsible Authority's Details	
Responsible Authority's Details:	
Please tick appropriate box:	
X	Police
	Fire Authority
	Planning Authority
	Health and Safety

	Environmental Health Service
	Child Protection
	Weights and Measures
	Licensing Authority
	Immigration
	Public Health Department

Full name:	Peter Eccleston
Job Title:	Bury District Licensing Officer
Tele number:	07774219071 / 0161 856 2256
Email:	peter.eccleston@gmp.police.uk

Address:

Bury Police Station

Dunster Road

Bury

BL9 0RD

Section 3 – Representations

x	We object to the application being granted at all
	We object to the application being granted in its current form*

*If you choose this option remember to tell us in section 3B what changes you would like to see.

You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Objectives

To prevent crime and disorder	Please accept this as a formal representation from Greater Manchester Police with regards to the application for a variation to the DPS at Venezia, 5 Square Street, Ramsbottom. The proposed Designated Premises Supervisor (DPS), Paul Sarnoe has been the Premises Licence Holder / DPS at two premises in the Greater Manchester area over the last few years and on both occasions expedited reviews were authorised and following the full review hearings, the decision of the Licensing Sub-Committee at both Bury and Bolton were to revoke the premises licenses. With regards to Bury, Mr Sarnoe was the sole director of Hidden Bar Bury Ltd. Hidden Bar Bury Ltd was the license holder of Hidden Bar, 24 Silver Street, Bury between October 2020 and October 2022. During this period, there were two changes to the DPS with Mr Sarnoe, nominating himself in June 2022. During the two-year period, When Mr Sarnoe had overall responsibility for the premises, there were several incidents ranging from the following: • Lack of ID checks resulting in numerous young people under the age of 18 being allowed in the premises and sold alcohol. It was becoming more like a youth club than a bar for adults. • Breaches of licensing conditions such as allowing individuals to leave the premises with alcohol and glass receptacles • Not adhering to the operating schedule and was allowing entry past the last entry time. • Being obstructive to police officers conducting visits to licensed premises. • Positive drug wipes from inside the premises. • Customers using nitrous oxide from balloons in sight of security staff and being allowed entry • Incidents of serious crime and serious disorder with the most serious resulting in a customer receiving a puncture wound to his leg. During this large-scale disorder there were multiple injuries to various individuals, the door staff did very little to intervene and there was a serious lack of effective management at the premises which is demonstrated by Mr Sarnoe when he instructed staff to wash down the scene with buckets of water resulting in the loss of any forensic evidence. This ultimately resulted in the request by Greater Manchester Police for a summary and full review of the premises licence.

	The expedited review took place on the 14th September 2022 and the decision of the Licensing Sub Committee was to impose interim steps and suspend the premises licence immediately in-order to promote the licensing objectives and in the interests of public safety. The full review took place on the 6th October 2022 and based on the information provided, the licensing sub-committee decided to revoke the premises licence and extend the interim steps to prevent any further incidents occurring during the appeals period. In April 2022, Mr Sarnoe appointed himself as the director of 2 Stories Bolton Limited which became the premises licence holder of 2 Stories, 73-75 Bradshawgate, Bolton which was another licenced premises. On the 20th December 2023, a further expedited review hearing took place following another incident of serious crime and disorder which occurred on the 16th December 2023. The brief circumstances being that a customer received serious injuries including after being glassed which resulted in a laceration which went through to the bone of the face resulting in nerve damage and a requirement for plastic surgery. During the course of the investigation, officers noted that: • The premises has failed in upholding the licensing objectives. • Lack of cooperation obtaining the premises CCTV. • The DPS (Mr Sarnoe) being heavily intoxicated at the time of the incident. • Mr Sarnoe being obstructive towards police. • Breach of licencing conditions. • Lack of Town Centre Radio Link despite previous interventions. The decision of the of the Licensing Sub-Committee was to suspend the licence pending a full review hearing. The full review hearing was heard on the 15th January 2023 during which, further issues were highlighted such as: • Irresponsible drinks promotions. • Underage customers being found on the premises. • Being in breach of planning condition. Despite numerous interventions from various responsible authorities it was noted that Mr Sarnoe, did very little to make any relevant changes and after careful consideration, the Licensing Sub-Committee decided to revoke the premises licence and extend the interim steps during the appeals period To conclude, Mr Sarnoe has been the License Holder and DPS at two different venues in two different town and although the circumstances outlined above are brief, there are some similarities he operated both premises ranging from underage customers, failure to uphold licencing conditions under the four licensing objectives and a clear lack of effective

	management which culminated in the two very serious incidents involving serious crime and disorder. For that reason, it is the opinion of Greater Manchester Police that the application to vary the DPS should be rejected on the bases of promoting the licensing objectives namely the prevention of crime and disorder, public safety and the protection of children from harm. Included within the representation are the following which will provide further details relating to information outlined above: **APPENDIX A:** Minutes from Bury Council Licensing Sub-Committee regarding the Expedited Review Hearing relating to HIDDEN BAR, BURY. **APPENDIX B:** Statement of PC Eccleston (Bury District Licensing Officer). **APPENDIX C:** Minutes from the Bury Council Licensing Sub-Committee regarding the Full Review Hearing relating to HIDDEN BAR, BURY. **APPENDIX D:** Minutes from Bolton Council Licensing Sub-Committee regarding the Expedited Review Hearing relating to 2 STORIES **APPENDIX E:** Minutes from Bolton Council Licensing Sub-Committee regarding the Full Review Hearing relating to 2 STORIES
Public safety	Please state your reasons:
To prevent public nuisance	*Please state your reasons:*

The protection of children from harm	

Section 3B – Suggestions/Further information

It is quite clear from the history relating to both licensed premises which Mr Sarnoe has been responsible for, that he is not fit and proper to ever be involved in a licensed premises again and it is the opinion of Greater Manchester Police that should the premises license be granted, the licensing objectives will almost certainly be undermined and public safety will become a very real concern.

Signed……P. Eccleston……..…… … dated: 29/01/2025

N.B if you do make a representation, you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

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Minutes of: **LICENSING HEARING SUB COMMITTEE**

Date of Meeting: 14th September 2022, 3.30pm

Present: Councillor S. Walmsley (in the Chair)
Councillors G. Marsden and G. McGill

M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
A. Green (Legal)
L. Jones (Deputy Licensing Officer)
B. Thomson (Head of Public Protection)

Also in attendance: Mr P. Sarnoe, Premises Licence Holder
PC P. Eccleston Greater Manchester Police

Public Attendance: The Hearing was held virtually and interested members of the public would be 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.

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1 APOLOGIES FOR ABSENCE

No Apologies for absence were submitted.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING(S)

The Minutes of the last Licensing Hearing Sub Committee meetings held at 1.00 pm on the 13th June 2022 and 1.00 pm on the 21st June 2022 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committees held virtually at 1.00pm on the 13th June 2022 and 1.00pm on the 21st June 2022 be approved as a correct record.

4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF HIDDEN BAR, UNIT B, 24 SILVER STREET, BURY, BL9 0DH

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licence premises Hidden Bar, Unit B, 24 Silver

Street, Bury, BL9 0DH 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 is because the police believe that the premises are associated with serious crime and/or disorder.

The nature of the application and consideration of interim steps was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Manager.

The steps available were:

- To modify the conditions of the licence
- To exclude the retail sale of alcohol from the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence.

Members were made aware that the cost of the licensing function was 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.

Attention was drawn to background papers which included:

Current Premises Licence
Section 53A application, Certificate and supporting evidence
Bury Council's Licensing Policy
Guidance issued under Section 182 of the Licensing Act 2003
Licensing Act (Hearings) Regulations 2005

The Licensing Unit Manager reported that 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

The premises licence in respect of Hidden Bar has been held by Hidden Bar Bury Limited since 30 September 2020. Mr Paul Sarnoe has been the Designated Premises Supervisor since 26th May 2022 and is also a director of the company.

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.

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

Appendix 1 of the report included an application for the review of a premises licence under section 53A of the Licensing Act 2003 submitted by PC Eccleston in relation to incidents in the early hours of Saturday 10th September 2022.

Appendix 2 of the report included the certificate under section 53A(1)(B) of the Licensing Act 2003 issued and signed by The Chief Superintendent.

Appendix 3 of the report included the current licence and conditions.

At the meeting Greater Manchester Police supplied further supporting evidence for this application by playing CCTV footage of the incidents that took place on 10th September 2022. This footage was shared on screen for Members of the Sub-Committee to view at the hearing.

The Sub-Committee then heard oral representations from PC Eccleston who set out the basis of Greater Manchester Police's application for a summary review of the premises licence.

> *At 03.31 hours on the morning of Saturday the 10th of September 2022 an incident of disorder occurred immediately outside the above premises resulting in numerous customers from the premises fighting, receiving punches and being knocked to the ground.*
>
> *The disorder continued along Broad Street (which is the street where the main entrance/exit is situated) with several flashpoints of disorder. As a result one male whom was also a perpetrator to the disorder received a puncture wound to his upper left thigh resulting in loss of blood and the victim being taken to hospital.*
>
> *It is my opinion 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.*

The Chair allowed for facts to be checked with Greater Manchester Police.

The Premises Licence Holder made representations.

All parties were given the opportunity to question each other and to sum up their respective cases.

The Sub-Committee then duly retired to consider the matter and all of the information provided.

The Members of the Sub-Committee were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

1) the prevention of crime and disorder
2) public safety
3) the prevention of public nuisance

4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

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.

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

The Sub-Committee also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

DELEGATED DECISION

The Sub-Committee carefully considered all of the representations and evidence produced and in particular found that incidents of serious crime and serious disorder connected with the licensed premises had occurred on the 10th September 2022 when a number of individual were assaulted outside the premises resulting in one person receiving a puncture wound in the leg and suffering from heavy bleeding.

The Sub-Committee therefore unanimously **resolved** that the evidence presented both demonstrated serious crime and serious disorder of an extremely violent nature. The Sub-Committee was therefore satisfied that the incidents were sufficiently serious to mean interim steps are necessary pending consideration of the summary review application.

The Sub-Committee noted that there is no definition of 'serious disorder' in the Licensing Act 2003, but based on the evidence before it, it was satisfied that incidents clearly took place were so serious that not only were members of the public injured, but others were put at serious risk of injury. This in the Sub-Committee's view meant its powers to impose interim steps under section 53B of the said Act were engaged.

In relation to what steps are appropriate, again the Sub-Committee considered all of the representations and evidence, as well as the options set out in section 53B(3) of the Licensing Act 2003. The Sub-Committee has also considered what steps it felt were appropriate to best promote the licensing objectives in the said Act, in particular in this case the prevention of crime and disorder, and public safety.

In this case, because of the serious nature of the incidents referred to, and the risk of further serious crime and disorder, the Sub-Committee **resolved** that in order to

promote the said licensing objectives it must **suspend the premises licence immediately**.

Reasons as follows:-

- Serious crime and disorder evidenced by CCTV
- Taken note of the current conditions of the premises licence which included:-
    - no loitering:
    - Failure to use the communications radio link to the police for reporting an incident in a prompt manner
    - Admission to the premises by customers after 3.00am

  None of those conditions were complied with.
- Furthermore, an instruction was given to a member of staff to wash away blood from the street which affected evidence of a crime scene.
- Door staff failing to intervene during a lull in the violence
- The DPS failed in his responsibilities to ensure the licence conditions are complied with and the licensing objectives are met.
- The DPS continually sort to blame doorstaff for the issues on the night.
- The Sub-Committee accepted on the balance of probabilities that a male received a puncture wound in the close vicinity of the premises taking account of how the blood pooled outside as described by police.
- Emergency calls made at 3.51am and 3.57am by staff but this incident began just after 03.30am which was too little too late sometime after the first incident which could have avoided the later injury to the victim.
- The Sub-Committee considered the points of new measures volunteered by Mr Sarnoe being introduced of extra doorstaff, additional CCTV and additional external lighting. The Sub-Committee felt there is not the current capacity in place to comply with the conditions of the premises licence and promote the Licensing Objectives.
- Lack of compliance to the Bury purple flag scheme which promotes a safe night time economy and the lack of compliance with the premises licence conditions by the DPS have encouraged violence and it is fortunate the injuries sustained were not more serious.
- Full training to staff had not been executed by staff or the DPS

The Chair of the Sub-Committee advised the Premises Licence Holder that a letter in writing would be sent by the Licensing Service which would provide information on the summary review and next steps within the next 26 days.

COUNCILLOR S. WALMSLEY
Chair

(Note: The meeting started at 3.30pm and ended at 5.26pm)

WITNESS STATEMENT

Criminal Procedure Rules r 27.2; Criminal Justice Act 1967, s.9: Magistrates' Courts Act 1980, s.5B

URN

Statement of: **Peter Eccleston**

Age if under 18: O'18 (if over 18 insert 'over 18') Occupation: Police Officer - PC 15913

This statement (consisting of 8 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: Date: 27/09/2022

Check box if witness evidence is visually recorded ☐ *(supply witness details on last page)*

1. I am Police Constable 15913 Peter Eccleston of the Greater Manchester Police stationed at Bury Police Station, Dunster Road, Bury. My specific role is that of the Divisional Licensing Officer. I have been delegated to act on behalf of the Chief Constable relating to all matters as defined under the Licensing act 2003 (hearings) Regulations 2005.

2. Following an incident of serious crime and disorder associated with Hidden Bar, Unit B 24 Silver Street, Bury in the early hours of Saturday 10th September 2022 I have had a conversation with Bury Divisional Commander, Chief Superintendent Hill on Monday 12th September 2022 where I explained the severity and level of violence used in the disturbance and I requested an expedited review to be considered. This was authorised by Chief Superintendent Hill under Section 53A of the Licensing Act 2003. Following this authorisation I requested a review of the premises license which I have included as Exhibits A & B respectively.

3. Further to seeking authorisation, I along with PS Vernon attended Hidden Bar at 13:45hours and spoke to Mr Sarnoe with regards the incident on Saturday 10th September. Given the seriousness of the incident, the level of violence used and seriousness of injury, we informed Mr Sarnoe that I would be submitting an application to have the premises license reviewed. At this point Mr Sarnoe became annoyed and frustrated claiming the incident had occurred outside Hidden Bar and that we had been waiting for something like this to happen so that we could take him to review. Whilst at Hidden Bar I took the opportunity to take photographs of his door security staff book and incident book from the 10th September 2022. I have included these as Exhibit C and D respectively.

4. The circumstances of the serious crime and serious disorder are that, approximately 03:54 hours on the morning of Saturday 10th September 2022, police were called to an incident of crime and disorder. The call was made to police by Ambulance control after they had received numerous reports of a stabbing outside Hidden Bar. Greater Manchester Police log reference number which relates is: 000567-10/09/2022. A copy of the log can be found at Exhibit E.

5. On police arrival, the disturbance had ceased, and officers were faced with a male adult who had received a puncture wound to his inner left thigh, the subsequent crime scene and numerous individuals who were still loitering outside the premises.

Signature:..... Signature witnessed by: .....

6. Officers who were on scene at the time, tended to the victim and conducted their initial enquiries which included securing a copy of Hidden Bars CCTV footage from outside the premises, which was provided by Mr Sarnoe. I have included this footage as Exhibit F.

7. Having reviewed the CCTV footage, there is prolonged serious disorder which continued for 14 minutes between the times of 03:31 and 03:45hours that morning during which time numerous customers from the premises are involved in fighting, receiving / throwing punched and being knocked to the ground. There were several flashpoints during this 14-minute period of serious crime and disorder resulting in numerous people receiving visible injuries, the most serious being a puncture wound to the upper inner left thigh of one customer for which he was taken to hospital where he received medical attention for those injuries.

8. During the 14minutes of serious disorder there are some pertinent points within the footage which requires further attention and what I have been able to ascertain from the investigating officers so far is that at approximately 03:00hours on the morning of the 10th September 2022, the male victim who receives the puncture wound to his inner upper left thigh, attends Hidden Bar after 03:00 hours in company with his son and partner. They are initially stopped by door security staff and initially refused entry. After loitering at the door for approximately 30 minutes they are then seen on the CCTV footage being allowed entry. Moments later they are seen exiting the premises despite the last entry time of 03:00hours as per the premises license conditions. As they exit the premises, son's girlfriend is approached by another male customer who takes hold of her, resulting in son intervening at which point the situation escalates to serious physical violence and several customers are seen rushing out of Hidden Bar and become involved in the disorder between 03:31 and 03:33 hours. During this period of time the father and son are overpowered and are subjected to a sustained attack resulting in them both being knocked to the floor where the attack continues.

9. The second flashpoint occurred at 03:37 hours. From the CCTV footage, customers are seen still loitering around the premises. The father returns from the junction of Silver Street and proceeds to punch another male customer who was involved in the initial flashpoint. The son becomes involved and again the situation escalates rapidly resulting in father on the floor. Although I cannot say for certain that it is at this point where father receives the puncture wound to his leg, it is worth noting that prior to it escalating and immediately after no blood can be seen on the foot ware of the father (victim). It is only after he has been stood, loitering outside for several minutes that blood can be seen running down the inside of his left white trainer and blood begins to pool on the floor.

10. A third flashpoint occurs at 03:44 hours. From the footage most of the violence occurs out of view of camera and only comes into view as one of the young males can be seen falling to floor almost at the feet of the father (victim).

11. At 03:45 hours a young male can be seen approaching the main entrance/exit to Hidden Bar and it is quite clear that he has been involved in the disorder due to his face and arm being covered in blood.

12. At 03:50 hours, it is quite visible that father's (victims) health is beginning to deteriorate, and he can be seen slumped over one of the bins outside the Hidden Bar before gradually falling to floor. At this point bar staff from Hidden Bar can been tending to the fathers' injuries prior to police and paramedics arrival.

13. At 03:57 hours, Mr Sarnoe is seen leaving the office via the external door and looking at the injured father lying on the ground. At 03:57 hours, Mr Sarnoe is then seen speaking to a staff member, pointing at the pool of blood on the floor and at which point the same member disappears for a short time only to return with a bucket of water who in

turn throws said water onto the crime scene in what appears to be an attempt to swill away the blood from the crime scene. At 03:58 hours, the same staff member returns with a second bucket of water however as police arrive she is prevented from throwing the second bucket by the door security team.

14. From the start of the disorder at 03:31 hours and police receiving the call from Ambulance control at 03:54 hours, this was the only call which had been logged on the police computer system.

15. As a result of this incident, three crimes have been recorded the details of which are as follows:
    a. CRI/06NN/0016329/22 – crime report for assault relating to Section 18 Offences Against the Person Act 1861. This offences is whereby someone has unlawfully and maliciously by any means whatsoever, wound or cause any grievous bodily harm to any person with intent to do some grievous bodily harm to any person.
    b. CRI/06NN/0016331/22 – crime report for assault relating to Section 20 Offences Against the Person Act 1861. This offence is whereby someone unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument.
    c. CRI/06NN/0016332/22 – crime report relating to an offence of Violent Disorder, Section 2 of the Public Order Act 1986. This offence is whereby 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using or threatening unlawful violence.

16. Further to this incident, there are other incidents and information which is associated to Hidden Bar which gives cause for concern and demonstrate how there is a significant disregard towards the premises license conditions and the four licensing objectives.

17. On Saturday 3rd September 2022 several police officers visited Hidden Bar whilst conducted a licensed premises check as per the Bury Divisional nigh time economy operation: Operation Lynx. During the visit, a cocaine wipe was used by one of the officers which displayed a positive result indicating that there were traces of cocaine on the bar surface. I was notified of this incident via email from the on-duty Inspector at the time; Inspector Ward 18176 who was also out on patrol with officers that evening. I have printed a copy of the email (irrelevant information redacted) which I have added as Exhibit G.

18. On Friday 2nd September 2022 at 13;00 hours, I attended a meeting with Mr Sarnoe following reports that he had been obstructive towards officers when carrying out licensed premises checks at Hidden Bar. I had arranged for PC Nadeem to accompany me at the meeting as a witness.

19. On speaking to Mr Sarnoe, he felt that he was being targeted due to the amount of premises license checks which were being carried out at Hidden Bar on a weekly basis predominately at weekends. I tried to explain that due to information still being received and previous intelligence regarding underage drinking in his premises, I had responsibility as the licensing officer to make sure young people were not at risk of harm and the necessary and appropriated Identification checks were being carried out. I also explained that due to OP Lioness (Violence Against Women) there was another team of officers checking licensed premises in the town centre with the main objective of vulnerable people in the night-time economy. As such I explained that I understand why he may have felt as though he was being targeted however there was a justified reason for the visits which were being carried out. Not satisfied with my explanation, Mr Sarnoe accused me of targeting his premises due to the colour of his skin.

Signature:..... Signature witnessed by:.....

20. I categorically refuted those claims and reinforced the reasons for the visits. I suggested that if he stopped young people under the age of 18 years old entering his premises, then the visits would decrease.

21. On Friday 5th August 2022 at around 22:00hrs, PC Redmond attended Hidden Bar, to conduct a license premises check for vulnerable females under the National Violence Against Women operation (VAWG), which for Greater Manchester Police was called Op Lioness. On attending the premises, the officer states that the door security supervisors had concerns about letting him and other officer in the premises to conduct the check as they had been told to check with management of the premises first. As such the officer waited at the entrance and he was approached by a young male who stated he was the manager. After a couple of minutes, the officer was approached by a black male who was pacing around and looked agitated. This male introduced himself as the owner of the premises and came across aggressive and obstructive towards officer and threatening towards his staff. The officer specifically noted that the owner shouted at his door staff and manager and threatened them with being fired if they allowed police to enter the premises. I have included PC Redmond statement as Exhibit H

22. At 00:07hrs on Sunday 31st July 2022, PC's 17518 Brown and 05775 Hussain have conducted a premises license check. A record of the visit has been provided at the time which I have included as Exhibit I. From the record, officers have noted that management did not want police inside the premises. Both officers have provided a statement outlining the details of this encounter which I have included as Exhibit J and K respectively.

23. On Friday 29th July 2022 at approximately 20:15 hours, another license premises check was carried out at Hidden Bar by PC's 18730 Howcroft and 17484 Kemp. They attended the premises after information was relayed over their personal radio's that a group of around 10 young males had entered Hidden Bar, none of which appeared to have had their identification checked on entry. This information was relayed by another officer who at the time was situated in Bradley Fold CCTV room and was monitoring the town centre as part of Operation Lioness.

24. Upon the officers entering the premises there was a group of young males sat to the right-hand side of the premises close to the bar. Officers asked the group to produce identification for proof of age, none of which were able to do so. As such they were asked to leave by the manager at the time Kaide Goodridge which they duly did without any objections. Body worn video was taken of the encounter which I can produce as Exhibit L. From the Body Worn Video footage it would appear that none of the group have alcohol in their possession, despite this it shows there is a lack of effective management for a licensed premises considering this group is sat next to the bar and management/bar staff are going about their duties.

25. On Friday 22nd July 2022, I was on duty from 16:00hrs having deviated my shift to work alongside Bury Council Licensing Officers Laura Jones and Alex O'Farrell so that checks could be carried out at various licensed premises during the evening. At 21:25 hours, we visited Hidden Bar. We spoke to the bar manager Dylan Lealand and the door security team member. Whilst speaking to them, a customer had already approached the door wanting to gain entry and initially, the door security supervisor had accepted a student identification card and accompanying letter as proof of age. At this point I interjected and refused the customer entry based on the fact that the identification was inadequate. I also pointed out that the only acceptable identification is photographic identification which includes the official holographic 'PASS' mark or other official documentation such as a UK driving license or passport. It was quite obvious from this experience that identification such as the student identification was regularly accepted at the premises and no one from the premises that was present at the time seemed to know any different. This was another example of the mismanagement of the premises and a disregard for the premises license conditions which stipulates at point 18 under the licensing objective of Protection of Children from Harm '...Only a

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passport or photo-card driving license or a proof of age card bearing the official PASS accreditation should be accepted as proof of age.'

26. At the time of the visit, Mr Sarnoe was not present however we returned at 23:20hrs where I was able to discuss the earlier visit and the concerns with regards to what identification was being accepted. I reiterated what identification was acceptable as per the license conditions. I also mentioned the need for a dress code as customers were still being allowed access wearing tracksuits.

27. On Monday 11th July 2022 at 13:00 hours Sgt Vernon and I, attended Hidden Bar to discuss an incident which had been called into the police that weekend. We met Mr Sarnoe at the premises and took advantage of being able to review the CCTV footage from both evenings on Friday 8th and Saturday 9th July. Some of the footage was shocking to say the least and despite only having the briefest of time to review the footage, it became apparent that those entering the premises looked young in age and there were very little identification checks being carried out and searches of patrons were non-existent. The footage also showed males congregating in the back street outside the main entrance some of which were inhaling nitrous oxide from balloons in plain sight of door staff and then being allowed back into the premises one of which still had the balloon hanging out of his mouth. We pointed out our concerns at which point Mr Sarnoe gave assurances that he would rectify those issues which were pointed out to him.

28. On Friday 8th July 2022 at 23:38 hours, Greater Manchester Police received an emergency call via the 999-system stating that there was a 16year old male who had been spiked and was still in the bar. Log reference 003800-08072022 refers to the incident and can be associated to Hidden Bar however the male had collapsed outside. Gradually the log was updated as more information become available and within those updates, they name the young male and his age (15years). One of the updates from an officer at the scene, states that the young male is talking. Having spoken to the males' friends and family members who were also present, information has come to light that he has drank a lot and family members do not suspect spiking. At this point ambulance was also on scene and has medically assessing him. The young male was taken to hospital for further observation. The log has been printed and included as Exhibit M (redacted due to personal information)

29. Unfortunately, the young male who had collapsed on the Friday evening was just out of view of the external camera at Hidden Bar therefore we were unaware at the time of the meeting who exactly we were looking for on the internal cameras at the time of the meeting with Mr Sarnoe on the 11th July 2022.

30. On Sunday 26th June 2022 at 00:53 hours, Greater Manchester Police received a report of a missing person on Log reference 000189-26062022. The call had been made by a member of staff from one of the children care home within the Bury District. They were reporting a vulnerable 17-year-old male who had not returned home. Following this report enquiries were made by police and staff at the care home to try and locate the male with not much success initially however at 02:20 hours that same day he was seen leaving Hidden Bar by a police patrol and subsequently taken home. The log has been provided and can be found at Exhibit N (redated due to personal information).

31. On the 14th June 2022, Sgt Vernon and I arranged another meeting with Mr Sarnoe following a robbery in Bury Town Centre whereby an off duty police officer was threatened and assaulted by two young males on the 8th June 2022. These two young males had stolen the victim's mobile phone and police warrant card. A couple of days later on the 11th June 2022 a young male (16yrs old) attempted to enter another premises within Bury Town Centre and was

searched at the door however door security staff found the young male to be in possession of a police warrant card (one stolen) and quickly recognised that the warrant card didn't match who was stood in front of them. Consequently, the door security team confiscated the stolen warrant card and contacted police at 01:35hours that same day.

32. log reference 000305-11062022 (Exhibit O) relates to this call. Information was passed by the informant, that the male in possession of the warrant card had left on foot and had gone into Hidden Bar. Officers attended and spoke to the informant along with other witnesses at which point a description of the male involved was passed. Following obtaining this information, officers attended Hidden Bar and completed a search of the premises during which time a number of individuals were spoken to including a male who loosely matched the description passed by witnesses. Not completely satisfied they had spoken to the right individual, officers have returned and spoken to the original informant and following a review of the premises CCTV footage and staff pointing out who had been in possession of the warrant card, officers returned to Hidden Bar realising that the male who they thought loosely matched the description provided was in fact the same male. Unfortunately, by the time officers returned to Hidden Bar, the male had left. Officer had found a blue and white puffer jacket which had been discarded in the premises as per the original description given by staff at Venue.

33. Following further enquiries and a further review of CCTV footage, a suspect was identified by investigating officers and an arrest was made a couple of days later. This male suspect is 16 years of age and on interview he claimed that he had found the warrant card and had attempted to gain entry to Venue. Although there is no admittance to being in Hidden Bar within his prepared statement, witnesses had seen this male enter Hidden Bar. and given that he is 16years old and had been spotted inside Hidden Bar in the early hours of the 11th June it begs the question as to how he was allowed inside in the early hours of the morning and obviously demonstrates that identification checks by door security staff as well as bar staff including management is inadequate and leaves a lot to be desired with regards the management of the premises.

34. At the time of our meeting with Mr Sarnoe on the 14th June 2022 we were not privy to the full facts of the investigation as outlined above however given previous information and incidents involving young people at the premises, as well as the increase of violent crime within Bury Town Centre involving juveniles, we discussed the possibility of Mr Sarnoe bringing one member of the door security team on early at opening time to try and dissuade young people from in and around Hidden Bar. Mr Sarnoe agreed with what was being discussed and the following weekend had a member of the door security team on duty from the point of opening at 20:00 hours.

35. At 00:09 hours on Saturday 11th June 2022, PC 's 17518 Brown and 05775 Hussain was present once again during a license premises check at Hidden Bar. From the VLP log which was provided at the time, officers have noted that the owner was argumentative and hostile to police entering the premises without giving him prior warning. This log has been included as Exhibit P. The officers statements have been included as exhibit I and J respectively.

36. On the 12th May 2022, I wrote a letter to Mr Sarnoe following a meeting I and Sgt Vernon attended with Mr Sarnoe earlier that day. The contents of that letter can be found at Exhibit Q and it outlines the steps Mr Sarnoe agreed to take to try and rectify concerns we had raised with him. Those concerns were raised with regards to intelligence the police had received (see below) which indicated persons under the age of 18 years had or were attending and drinking alcohol in the premises. It also related to CCTV footage we had personally seen as a result of an incident which was linked to Hidden Bar. Mr Sarnoe agreed to do the following and in the main completed:

Signature:..... Signature witnessed by:.....

a. Dismissal of current door supervision company and appointment of new SIA (ACS) registered company of your choosing.
b. Age verification – challenge 25
c. Increase random searches of patrons to prevent crime and disorder. A ratio of 1 in 5.
d. Adopt a dress code policy for example no wearing of tracksuits, face coverings or caps will be adopted on Friday and Saturday evenings as well as Sundays of bank holiday weekends.

37. The incident in question was in relation to a residential property where the victim's car was stolen with keys by means of a burglary in the late hours of Sunday 8th May or early hours of Monday 9th May 2022. Investigating officers have been able to track the vehicle through Bury Town Centre CCTV where at 01:38hrs the vehicle pulls up outside Hidden Bar. Following this, the vehicle is involved in a police pursuit and ends in Middleton, Rochdale where it crashes and the occupants of said vehicle are arrested.

38. Where Hidden Bar is linked to this incident, is visible on the CCTV from that evening which was provided by Mr Sarnoe to the investigating officers. This is still an ongoing investigation however I have been provided with a copy of Hidden Bars door CCTV footage which I have included Exhibit R. Upon the arrival of the stolen vehicle outside the main entrance/exit to Hidden Bar, several young males approach the vehicle and engage in conversation with the occupants. Three of the young males enter the vehicle and they drive away down the back street. Considering the licensing objectives, concerns are raised when all four of those arrested in the stolen vehicle are under the age of 18 with the youngest being 15 years old at the time.

39. Upon further review of this footage (Exhibit R), it shows numerous individuals, young in appearance entering Hidden Bar wearing tracksuits and balaclavas. At times, it shows individuals wandering back and forth in and out of the club holding what appears to be glasses containing drink with no identifications checks or searches being carried out. There are several pertinent points during the footage which are concerning and I have listed them below:

a. **22:00 – 22:12hrs:** young males outside Hidden Bar. They enter the premises unopposed wearing inappropriate clothing. All three are wearing tracksuits and one is even wearing a balaclava type face covering. There is no door supervision on duty at the main entrance/exit and no identification checks or searches carried out.
b. **22:19:17hrs:** door staff arrive at the premises who shakes the hand of the same young males as above and walks into the premises to start shift.
c. **22:19:30 – 22:20:30hrs:** young males using the entrance security fencing as a gym and perform pullups whilst outside the premises.
d. **22:20:55:** same young males enter the premises once again unopposed.
e. **22:21:45:** door security member exits premises and stands on the door. Please note that at the time he is not wearing his SIA badge and straight away is not paying attention to what is going on inside or outside the premises and continuously looks at his mobile phone.
f. **22:29:19:** door security member temporarily leaves the door and can be seen walking to car to collect SIA badge. On returning he doesn't lift his head up and is back on his mobile phone.
g. **22:56:12 – 22:56:40hrs:** small group of young males and females arrive at Hidden Bar. No searches or identification checks are performed.
h. **23:25:00 – 23:30:00hrs:** during this 5-minute period you can clearly see from the footage that at least 3 young males, one wearing red tracksuit bottoms, another wearing a blue top and the remaining one wearing a full black tracksuit arrive at Hidden Bar, carrying a drink in what appears to be a glass container and enter the

premises with said glass, unopposed without any identification checks or searches being carried out. There is also another male wearing a blue top and black tracksuit bottoms who walks out of Hidden Bar carrying a drink in what looks like a glass container and proceeds outside the fenced off area, down the back street only to return a short time later, carrying the same glass container and is allowed straight back into the premises without being stopped or searched. At this point I would like to draw your attention to points 5, 6 and 11 of the Premises License under the Licensing Objective of preventing crime and disorder where it states, "No drink shall be removed from the premises in an unsealed container", "No person in possession of a drink in a sealed and unsealed container shall be allowed to enter the premises except for the purpose of delivery or from moving from one part of the premises to another" and "Customers are to be prevented from leaving the premises with glasses or open bottles. Empty bottles must be placed into locked bin so as to prevent them from being used as weapons". It is quite obviously from the footage that there is a blatant breach of the premises license conditions on this occasion.

i. **23:33:40 – 23:53:34hrs:** during this period several individuals are seen leaving the premises unopposed with what appears to be a drink in a glass container. The young male wearing the tracksuit bottoms is seen leaving and re-entering the premises with a balaclava. None of the customers are stopped, searched or even prevented from entering the premises by management or the door security team.
j. **00:10:24 – 00:11:16hrs:** young males can be seen performing chin ups on the door security barriers unopposed by management or the door security team. The young male in the red tracksuit bottoms is again wearing a balaclava
k. **00:15:55 – 00:16:15hrs:** young male in red tracksuit bottoms is seen walking out of Hidden Bar wearing what appears to be a clown printed balaclava.
l. **01:00:26 – 01:03:22hrs:** male in red tracksuit is seen leaving the premises with a drink in what appears to be a glass container. Again, the management or door security team do very little to prevent or stop this from occurring.

40. On the 4th and 8th May 2022 Greater Manchester Police received information in the way of two intelligence logs whereby both claimed that alcohol was being consumed by individuals under the age of 18 inside Hidden Bar. Further to this intelligence, I have been in attendance at Bury divisional bi-weekly missing from home meetings at Bury Police Station. At these meeting, the police and other relevant agencies including children services and the safeguarding team, review those individuals who are causing the most demand on police resources to try and problem solve with the aim of reducing the amount of calls. During these meeting, information had come to light that one particular young male (different to the above) who was 17yrs old and in the care system had disclosed to his social worker that he had previously been out in Bury Town Centre drinking alcohol in Hidden Bar with friends.

41. Although Mr Sarnoe has been working with myself and Bury Council Licensing Team and when asked, has put measures in placed as advised, incidents are still occurring at the premises which gives concerns in relation to the management of the premises which is undermining the licensing objectives and posing a risk to public safety therefore I am respectfully requestion a revocation of the premises license.

Signature:..... Signature witnessed by:.....

Minutes of: **LICENSING HEARING SUB COMMITTEE**

Date of Meeting: 6th October 2022, 1.00pm

Present: Councillor S. Walmsley (in the Chair)
Councillors G. Marsden and G. McGill

M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
A. Green (Legal)
L. Jones (Deputy Licensing Officer)
B. Thomson (Head of Public Protection)
A. O'Farrell (Licensing Officer)

Also in attendance: Mr P. Sarnoe, Premises Licence Holder
Mr D. Lee, Premises Manager
PC P. Eccleston Greater Manchester Police
Mr T. Worsfold, Greater Manchester Police Legal
Ms E. Hunter, Greater Manchester Police Legal

Public Attendance: The Bury Times

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1 APOLOGIES FOR ABSENCE

No Apologies for absence were submitted.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF HIDDEN BAR, UNIT B, 24 SILVER STREET, BURY, BL9 0DH

Before commencement of the meeting Mr P. Sarnoe, Premises Licence Holder had requested that an 8 page paper document which contained representations on behalf of Hidden Bar Limited be circulated to the Licensing Hearing Sub Committee.

Upon consultation with Mrs A. Green, Bury Council's Legal Officer, Mr T. Worsfold, Greater Manchester Police's legal representative had no objections to the paper being put before Members if it helped to assist the hearing.

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licence premises Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH 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 is because the police believe that the premises are associated with serious crime and/or disorder.

The nature of the application and consideration of options was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Manager, Mr M. Bridge.

The options available were:

- To modify the conditions of the licence
- To exclude the retail sale of alcohol from the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding 3 months.
- To revoke the licence.

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

Members were made aware that the cost of the licensing function was 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.

Attention was drawn to background papers which included:

Current Premises Licence
Section 53A application, Certificate and supporting evidence
Licensing and Safety Panel Report (interim steps hearing) – 14 September 2022
Licensing and Safety Panel Minutes (interim steps hearing) – 14 September 2022

The Licensing Unit Manager reported that on the 12th September 2022, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH because they believe that the premises are associated with Serious Crime and/or Serious Disorder.

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

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

On 14 September 2022 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 Hearing Sub-Commitee considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives.

The Panel resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that it must suspend the premises licence immediately. The reasons for the Panel's decision were attached at appendix one.

Representations must be relevant to the licensing objectives defined within the Act. The objectives listed in the report:

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

Appendix 1 of the report included the Licensing Hearing Sub-Committee -Interim Steps Hearing Minutes of the 14th September 2022.

Appendix 2 of the report included the 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)

Appendix 3 of the report included certificate under Section 53A(1)(b) of the Licensing Act 2003 issued by Superintendent

Appendix 4 of the report included representations received from the Licensing Authority

Appendix 5 of the report included the premises Licence for Hidden Bar, Unit B, 24 Silver Street, Bury

Appendix 6 of the report included an additional Bundle of Evidence listed under different exhibits submitted by Greater Manchester Police on the 27th September 2022.

Mr T. Worsfold, Greater Manchester Police's legal representative referred to Appendix 2 which promoted the review and provided a summary to the meeting of the violence outside the premises and previous incidents. The main focus was the serious crime and disorder on the 10th September 2022 and another issue was the persistent problem of age verification. Another point to note was the interactions of Mr P. Sarnoe and his unwillingness and obstruction to address the problems.

PC P. Eccleston from Greater Manchester Police referred to appendix 6 of the agenda packs and read out extracts of his witness statement.

At the meeting Greater Manchester Police played CCTV footage of the incidents that took place on 10th September 2022. This footage was shared on a large screen for Members of the Sub-Committee to view at the hearing.

The Sub-Committee then listened to information from PC Eccleston who provided a description of people and incidents whilst highlighting on screen the flashpoints of the violence. Attention was drawn to members of the public being permitted entry after 3.00am and the failure of door security staff to take any actions that could have prevented or reduced the offences which occurred and this included dispersal of the public from the area around the venue to avoid loitering.

Highlighted on the CCTV footage was the incident which led to a puncture wound and the victim suffering from heavy bleeding over the next few minutes which could be illustrated by the footwear turning red in colour. Other incidents had occurred outside the of the CCTV coverage area with another person walking into the area with injuries to their face.

The washing away of blood by a bucket of water was also a concern as this did not preserve the crime scene.

Communication of the incident to the police was not reported by the venue and came via the Ambulance Service.

PC P. Eccleston stated this was not an isolated incident and intelligence gathered provided a number of reports on underage drinking at the venue. Some of these young people were vulnerable and in care homes so this was a safeguarding issue.

Information provided to the Sub-Committee was an incident of a burglary at a residential property with a car being stolen in early May 2022. The stolen vehicle was seen on CCTV outside Hidden Bar and three young males enter the car, following this a police pursuit took place ending with the occupants who were all aged under 18 being arrested.

Other information reported was numerous individuals young in appearance entering the venue wearing tracksuits and balaclavas with no identification checks taking place and also customers going in and out of the venue holding glasses containing drink.

A number of the exhibits contained in the agenda pack were referred to which included letters to Mr Sarnoe from GMP about performance of the door supervision company and records of visits to the licensed premises.

Further footage was shared on a large screen for Members of the Sub-Committee to view with images and sound from GMP body worn cameras which showed a visit to the venue and a number of young people inside who could not provide age identity to officers and were asked to leave.

PC P. Eccleston reported that door staff had allowed entry to an individual with a college pass and a 15 year from the venue had to be taken to hospital due to consumption of too much alcohol.

Two different witness statements from police officers had commented that Mr Sarnoe did not like unannounced visits from the police and was argumentative and hostile.

A summary of the above information communicated at the meeting and listed in the report set out the basis of Greater Manchester Police's application for a summary review of the premises licence.

The Deputy Licensing Officer reported that enforcement officers from the Council's licensing department had carried out regular evening enforcement on the licensed premises. Details of visits made to Hidden Bar were contained in the report which included dates and and subsequent findings.

The Premises Licence Holder made representations and referred to the paperwork he had submitted at the start of the meeting. He made an apology and acknowledged he had made mistakes and requested one last chance to improve and make the venue a safer place to prevent crime.

The Chair provided all parties the opportunity to question each other and to sum up their respective cases which recapped on information provided earlier in the meeting.

The Sub-Committee then duly retired to consider the matter and all of the information provided.

The Members of the Sub-Committee were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

1) the prevention of crime and disorder
2) public safety
3) the prevention of public nuisance
4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

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.

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

DELEGATED DECISION

The Sub-Committee carefully considered all of the representations and evidence produced and therefore unanimously **resolved to revoke the premises licence immediately in order** to promote the licensing objectives.

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

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

The Sub-Committee had no confidence there would be any improvement with modifications made to the licence.

There had been a consistent and continuing theme of underage access to the venue evident over a period of months. This included the incidents of a vulnerable 17-year-old in June and a 15-year-old who collapsed in July having been admitted into the venue. Body worn footage from GMP showed a number of underage people inside the venue at the end of July. No proper checks were being undertaken by door security staff and incorrect age identification were being accepted.

The Sub-Committee noted that swab tests had found traces of the drug cocaine on the premises and nitrous oxide gas usage had been conducted in front of door staff.

In the case of the serious violence and disorder on the 10th September 2022, this could and should have been prevented not just on the night in question but in the months leading up to the incident.

Other factors taken into account were the 16-year-old found in possession of a stolen warrant card in June. 3 people wearing balaclavas to enter the venue in May then leaving in a stolen vehicle and when later arrested all the occupants were aged 18 or under. The common theme of the DPS being purposely obstructive to the police when undertaking their duties and the Sub-Committee felt that a genuine DPS would want to work collaboration and allow access to the venue without question.

The incident on the 10th September 2022 highlighted a number of failed procedures on that evening:-

- Loitering
- Allowing people into the venue after 3.00am
- Door security staff failed to deal with the incident and during a lull in the violence
- Failure to inform GMP and the use of official communication channels
- Washing away evidence of a crime scene
- DPS failed in their responsibility of staff and a breach of the licence conditions

The licensing authority accepted all the evidence provided by GMP which included various discussions and letters that had been issued to the venue without any improvements and this led to the incident on the 10th September occurring.
The protection of staff at the premises was a concern and it was noted that a female employee had been hit by an object of some kind whilst working in the venue.

The modified conditions listed in the report by the Licensing Officer and proposed by Mr Sarnoe are not sufficient to appropriately deal with the serious issues and breaches of the licensing conditions.

The Council's Licensing Department and GMP are keen to promote the licensing objectives to ensure people can safely enjoy the evening economy in Bury town centre. Hidden Bar had failed to meet these objectives repeatedly and the Sub-Committee had serious concerns about the safety of patrons especially young children.

All the above reasons were taken into consideration when revoking the licence and the Sub-Committee felt it was appropriate and proportionate.

The **interim steps of the suspension of the licence are to remain in place** until the end of the period provided for appeal against the decision, or if the decision is appealed against, the time the appeal is disposed of. It was appropriate for the promotion of the licensing objectives that the interim steps remain in place.

The Chair of the Sub-Committee advised the Premises Licence Holder that a letter in writing would be sent by the Licensing Service which would provide all the information.

COUNCILLOR S. WALMSLEY
Chair

(Note: The meeting started at 1.16pm and ended at 3.49pm)

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LICENSING SUB-COMMITTEE (EXPEDITED HEARING)

MEETING, 20TH DECEMBER, 2023

Present – Councillors Fielding, Grant and Newall

Also in Attendance

Ms. P. Clyne	-	Licensing Manager
Ms. L. Timmins	-	Senior Licensing Officer
Mrs. L. Bainbridge	-	Senior Lawyer, Bolton MBC
Mr. I. D. Mulholland	-	Deputy Democratic Services Manager

Supporting the Review of the Premises Licence

PC. B. Brookfield	-	Greater Manchester Police
PC. D. Heald	-	Greater Manchester Police

Objecting to the Review of the Premises Licence

Mr. P. Sarnoe	-	Premises Licence Holder and Designated Premises Supervisor
Mr. D. Leland	-	Manager of the Premises
Mr. M. Rhimes	-	Barrister
Ms. S. Faud	-	Solicitor

Councillor Fielding in the Chair

1. APPLICATION FOR AN EXPEDITED REVIEW OF THE PREMISES LICENCE – 2 STORIES, 73-75 BRADSHAWGATE, BOLTON.

The Director of Place submitted a report which provided details of an application for an expedited review of the Premises Licence in respect of 2 Stories, 73-75, Bradshawgate, Bolton pursuant to the provisions of Section 53A(1) of the Licensing Act, 2003.

The Sub-Committee was apprised of all the evidence and submissions. The purpose of the hearing was to consider whether it was necessary for the licensing authority to take interim steps pending the final determination of the review.

Also circulated to all parties was a copy of the law and revised guidance issued under section 182 of the Licensing Act, 2003 and also a copy of the Licensing Sub-Committee minutes held in Bury on 6th October, 2022.

The Sub- Committee and all parties present viewed CCTV evidence from the venue which showed the incident concerned, interaction with the Designated Premises Supervisor (DPS) and the injuries caused to the attacked party.

Representations were put forward by Greater Manchester Police who had served an application for a summary review of the Premises Licence, accompanied by the required certificate which certified that in the officer's opinion the premises were associated with serious crime and disorder.

PC Brookfield and PC Heald presented the case for Greater Manchester Police and referred to the police report and outlined the nature of a Police investigation. He mentioned that on the evening of 23rd December, 2023 an individual had suffered a serious injury which included glassing through to the bone of the face, nerve damage and also plastic surgery had subsequently been undertaken. It was the Police assertion that the premises had failed to promote the licensing objectives. They indicated that they initially could not establish who worked at the venue and urgently needed to have access to the CCTV. The Police explained that they found the DPS to be obstructive in this regard and alleged that he was intoxicated. They went on to explain that the lack of early access to the CCTV had hindered their investigation and meant that the alleged perpetrators were able to leave the premises and were later involved in an altercation at the hospital. The licence conditions had been breached in terms of the access to the CCTV and which was later accessed by a Police IT expert, without the assistance of any member of staff from the venue. Also, it was explained that the venue Manager was not identified and did not help the Police during their on-site investigations. Also highlighted was the apparent poor response from staff regarding the incident. Also mentioned was the fact that the Town Centre Radio Link was not operational from this venue, despite previous interventions.

The Police also cited the minutes from the Licensing meeting in Bury and the revocation that had taken place in relation to another premises licence held by the DPS.

Within the Police's statement a request was made that consideration be given to the suspension of the Premises Licence until the full review was heard as the environment was unsafe for staff and customers alike.

Mr. M. Rimes, representative of the Premises Licence Holder and Designated Premises Supervisor gave his submission and indicated that his client took the incident very seriously and offered apologies to the victim. He proposed to the Sub-Committee that instead of the suspension of the premises licence the following be put in place, viz –

- Removal of the DPS;
- Use of plastic instead of glass;
- New door staff,
- For staff who have not had training in the last year, updated licensing and first aid training; and
- Join the town centre radio link.

He went onto assert that crime and disorder could happen at any venue and could not have been prevented in this case. He also explained that the venue was a restaurant and a bar, not a club and no complaints or police call outs had taken place.

In terms of the incident he explained that the DPS did call the police and ambulance and the Manager called the Police.

He also indicated that the DPS was there in a personal capacity and did not need to be there all the time. The manager was there. He stated that his client had not been tested but denied intoxication but admitted having a drink. Mr. Rhimes explained that if the Premises Licence was suspended then the restaurant could still operate without the sale of alcohol but there were benefits of keeping the licence including in terms of CCTV management. He explained that more evidence including screen shots would be made available at the full hearing in 28 days' time.

On questioning, the Manager was not sure why he did not identify himself as the manager at the time of the Police investigation at the venue.

Also at the meeting, the Licensing Manager asked for an up to date layout plan to be provided to the next meeting and also evidence of the venue operating as a restaurant.

The Sub-Committee gave careful consideration to the interim steps necessary pending the determination of the review.

In coming to its decision in relation to this expedited review, the Sub-Committee took account of guidance relating to HM Government's Licensing Act, 2003 including the guidance on Summary Reviews. The Sub-Committee specifically bore in mind the licensing objective of the prevention of crime and disorder and took account of Bolton Council's Licensing Policy and the Guidance published by the Secretary of State under Section 182 of the 2003 Act and the non-statutory guidance issued in respect of this type of application.

Resolved **–** That in the interim, pending the formal review at a forthcoming meeting of this Sub-Committee, the Premises Licence be suspended, owing to the following reasons –

(i) The failure of the DPS and staff in their responsibility to promote the licensing objectives in terms of their response to the incident;
(ii) The very serious nature of the incident which took place which involved glassing through to the bone of the face, nerve damage and subsequent plastic surgery;
(iii) At the time of the Police investigation, the lack of clarity as to who worked at the venue;
(iv) The obstructive behaviour of the DPS in terms of access to the CCTV system, which had to eventually be accessed by the Police without the help from any staff member from the venue. This was a breach of the licensing conditions and the delayed access led to the late identification of the culprits and hindered the Police investigation; and

(v) There is a duty of the DPS to be available and also concern regarding the managers lack of actions.

The Sub-Committee considered that the above decision reflected the level and nature of any interim risk of repetition and that they would provide the additional security and protection to the staff and its customers in the interim period.

LICENSING SUB-COMMITTEE

MEETING, 15TH JANUARY, 2024

Present – Councillors Flitcroft, Grant and Newall

Also in Attendance

Ms. P. Clyne	-	Licensing Manager
Ms. L. Timmins	-	Senior Licensing Officer
Mrs. N. Raby	-	Senior Lawyer, Bolton MBC
Mr. I. D. Mulholland	-	Deputy Democratic Services Manager

Supporting the Review of the Premises Licence

PC. B. Brookfield	-	Greater Manchester Police
PC. D. Heald	-	Greater Manchester Police
Mr. G. Hill	-	Public Health

Objecting to the Review of the Premises Licence

Mr. P. Sarnoe	-	Premises Licence Holder and Designated Premises Supervisor (DPS)
Mr. S. Walls	-	Proposed Designated Premises Supervisor

Councillor Newall in the Chair

1. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE – 2 STORIES, 73-75 BRADSHAWGATE, BOLTON.

At the start of the meeting the Sub-Committee considered the issue of holding the hearing in private due to the on-going Police investigation. The sub -Committee then agreed to the hearing being in private as defined in Regulation 14 (2) of the Licensing Act, 2003 (Hearings) Regulations 2005 and that the public should be excluded from the hearing.

The Director of Place submitted a report which provided details of an application for a review of the Premises Licence in respect of 2 Stories, 73-75, Bradshawgate, Bolton pursuant to the provisions of Section 53C of the Licensing Act, 2003, following an expedited summary review of the Licence on 20th December, 2023.

The Sub-Committee was apprised of all the evidence and submissions.

The grounds for the review were that the premises was associated with serious crime and a certificate to that effect had been signed by the Chief Superintendent of Bolton Division of Greater Manchester Police which detailed a serious incident and that in the Officer's opinion the premises was associated with serious crime.

At the Expedited review hearing held on 20th December, 2023, the Sub-Committee resolved that in order to promote the Licensing Objectives, it was necessary to impose interim steps and that it must suspend the Premises Licence immediately, citing a number of reasons.

The Panel gave consideration to late evidence submitted by Mr. Sarnoe on the morning of the hearing and in accordance with the Regulations and in the absence of agreement by the applicant to accept the late evidence, decided that this would not be accepted at this late stage.

The Sub- Committee and all parties present viewed CCTV evidence from the venue which showed the incident concerned, interaction with the Designated Premises Supervisor (DPS) and the injuries caused to the attacked party. Additional CCTV footage was shown which related to a promotional drinks offer at the premises and also in relation to a person being unconscious outside the premises due to intoxication.

The Licensing Officer mentioned to the Sub-Committee that in terms of food provision at the premises, the report required correction in that a registration had been submitted to the Council but an inspection had not yet taken place.

Representations were put forward by Greater Manchester Police who had served an application for a summary review of the Premises Licence, accompanied by the required certificate which certified that in the officer's opinion the premises were associated with serious crime and disorder.

PC Brookfield and PC Heald presented the case for Greater Manchester Police and referred to the police report and outlined the nature of a Police investigation, the case being currently with the CPS. He mentioned that on the evening of 16th December, 2023 an individual had suffered a serious injury which included glassing through to the bone of the face, nerve damage and also plastic surgery had subsequently been undertaken. It was the Police assertion that the premises had failed to promote the licensing objectives. They indicated that they initially could not establish who worked at the venue and urgently needed to have access to the CCTV. The Police explained that they found the DPS to be obstructive in this regard and alleged that he was heavily intoxicated. The lack of early access to the CCTV had hindered their investigation and had resulted in an altercation continuing at the hospital when both the victim and suspect attended there. The Police indicated that, had they had access to the CCTV earlier, they would have apprehended the suspect before being able to attend hospital. In addition, by not being able to apprehend the suspect sooner meant that they had been unable to secure physical evidence. The licence conditions had been breached in terms of the access to the CCTV and which was later accessed by a Police IT expert, without the assistance of any member of staff from the venue. Also, it was explained that the venue Manager was not identified and did not help the Police during their on-site investigations. Also highlighted was the apparent poor response from staff regarding the incident. Also mentioned was the fact that the Town Centre Radio Link was not operational from this venue, despite previous interventions. This was also a breach of the conditions of the licence.

The Police also referred to irresponsible drinks promotions at the premises including 10 drinks for £10 with a wrist band but there was evidence that people were able to purchase two wrist bands, underage customers being found in the premises, being in breach of planning conditions by being open outside their permitted hours, enforcement actions undertaken after 1am and the lack of a link to the town centre radio link. They also asserted that despite numerous interventions and interactions with Mr. Sarnoe, who was both the owner of the premises and the DPS, nothing had changed.

Within the Police's statement a request was made that consideration be given to the revocation of the Premises Licence as the environment was unsafe for staff and customers alike.

Mr. G. Hill from Public Health referred to their remit around violence reduction – educational and preventative work. He welcomed having a vibrant night time economy but was concerned at the actions of the DPS in this case and his apparent intoxication. He outlined that if the DPS role was compromised then the licensing objectives would not be met. He was also concerned about the drinks promotions outlined and with drinks promotions, good supervision was needed.

Mr. Sarnoe, the DPS apologised for his personal part in the failings at the premises but referred to his good relationship with the Police. He mentioned that he had decided to take a full step back from the day to day running of the premises and appoint a new general manager.

Mr. S. Walls, the potential new Designated Premises Supervisor gave his submission and indicated that it was clear to him that the licensing objectives were not being achieved. He referred to his previous experience and also outlined the steps he would put in place, viz-

- Introduction of plastic glasses;
- There would be a visual management presence and DPS during licensing hours;
- Additional CCTV measures implemented including the back corridors so staff can view;
- Additional Challenge 25 training; and
- Putting the Pub Watch radio scheme link in place.

In summary, the Police asserted that there had been a failure to promote the licensing objectives at the premises and a lack of regard for licensing conditions. Also that a serious incident had taken place resulting in a serious injury to an individual. Discussed improvements at the venue had never materialised. The Police requested that the Premises Licence be revoked and the interim steps remain in place until the appeal period had ended.

In conclusion. Mr. Walls indicated that there would be no drinks promotions.

The Sub-Committee gave careful consideration to all the written and verbal evidence available.

In coming to its decision, the Sub-Committee took account of guidance relating to HM Government's Licensing Act, 2003. The Sub-Committee specifically bore in mind the licensing objectives of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm and took account of Bolton Council's Licensing Policy and the Guidance published by the Secretary of State under Section 182 of the 2003 Act and the non-statutory guidance issued in respect of this type of application.

Resolved **–** That the Premises Licence be revoked immediately in order to promote the licensing objectives for the following reasons

(i) The failure of the DPS/Premises Licence Holder and staff in their responsibility to promote the licensing objectives in terms of their response to the incident;
(ii) The very serious nature of the incident which took place which involved glassing through to the bone of the face, nerve damage and subsequent plastic surgery;
(iii) At the time of the Police investigation, the lack of clarity as to who worked at the venue;
(iv) The obstructive behaviour of the DPS/Premises Licence Holder in terms of access to the CCTV system, which had to eventually be accessed by the Police without the help from any staff member from the venue. This was a breach of the licensing conditions and the delayed access led to the late identification of the culprits, the inability to secure physical evidence and hindered the Police investigation;
(v) The irresponsible drinks promotions (10 drinks for £10) and the fact that customers were able to buy more than one wristband enabling them to purchase 20 drinks for £20;
(vi) The fact that customers from the premises had been so heavily intoxicated that paramedics had to be called to treat them;
(vii) The fact that the premises licence holder/DPS had recently (October 2022) had a premises licence revoked by Bury Council;
(viii) The fact that the premises licence holder/DPS had failed to address issues raised by the police previously; and
(ix) There is a duty of the DPS to be available and also concern regarding the managers lack of actions.

The Sub-Committee considered that the above decision was the only option and that any lesser steps would not promote the licensing objectives or adequately protect the staff and customers.

Following, the decision, the Sub-Committee determined that the interim step in suspending the licence is to remain in place until the end of the period provided for appeal against the decision, or if the decision is appealed against, the time the appeal is disposed of. The Sub-Committee determined that it was appropriate for the promotion of the licensing objectives that the interim step remain in place.