

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 13th June 2023

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

Also in attendance: M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
O. Osinuga (Legal Services)

PC P. Eccleston Greater Manchester Police (Representor)
I. Oldman- Bury Times (Press)

Public Attendance: No members of the public were present at the meeting.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B. Thomson, Head of Public Protection at Bury Council.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETINGS

The minutes of the last Licensing Hearing Sub Committee meetings held at 10.30am on the 18th May 2023 and 10.30am on the 19th May 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committees held at 10.30am on the 18th May 2023 and 10.30am on the 19th May 2023 be approved as a correct record.

4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF CLUB 66, 24 SILVER STREET, BURY, BL9 0DH

The Licensing Authority received an application by Greater Manchester Police in respect of Club 66, 24 Silver Street, Bury, BL9 0DH for a review of the Premises Licence in accordance with Section 51 of the Licensing Act.

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

ATTENTION WAS DRAWN TO BACKGROUND PAPERS WHICH INCLUDED:

Current Premises Licence

Section 51 review application

The Licensing Unit Manager reported the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) 2005 (as amended) is the relevant legislation.

The Panel would make a decision at the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

Greater Manchester Police had complied with all the necessary procedural requirements laid down by the Act.

At the time of the review application the premises licence in respect of Club 66, Silver Street, Bury, BL9 0DH has been held by Club Sixty Six Ltd since 13 July 2022. Mr Daniel Langford has been the Designated Premises Supervisor since the 1st December 2022.

Greater Manchester Police, in their capacity as a Responsible Authority, would give their reasons for their application which is on the grounds of Protection from Children from Harm and Prevention of Crime and Disorder. The review application was attached to the report at Appendix 1 of the private agenda packs.

Members of the panel were reminded that under urgent business considered at the meeting of the Licensing and Safety Committee on the 17th April 2023. The relevant minutes of the meeting which were detailed in the report stated the review process be extended until week commencing the 12th June 2023.

On the 25th May 2023, the Licensing Service were notified by Mr Daniel Langford that he was no longer the Designated Premises Supervisor at the premises.

On the 26th May 2023, the Licensing Service received an application to transfer the premises licence into the name the Club 66d Limited, 262 Catherine Street, Leicester, LE4 6GD. The application stated that they wanted the transfer application to have immediate effect. At the time of writing the report, the Licensing Service had not received representations from Greater Manchester Police.

On the same day as the transfer application was received, the Licensing Service received an application to vary the premises licence to specify an individual as designated premises supervisor. The individual named on the application is Ms Vicky Bebbington, 23 St Mary's Road, Nantwich, CW5 5NU. The application stated that they wanted the transfer application to have immediate effect. At the time of writing the report, the Licensing Service had not received representations from Greater Manchester Police.

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 had 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.

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.

The premises licence which showed the current licensable activities and conditions was attached at Appendix 2 in the agenda pack.

Reference was made to 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.

The Licensing Unit Manager reported on recent communications in relation to the transfer of the licence and DPS. The paperwork had been issued to the proposed new licence holder but the previous licence holder had been in receipt of these documents and indicated they would be attending the meeting today. The Licensing Service had advised that only the new proposed premises licence holder should attend and the paperwork had been re-issued via recorded postage.

The Licensing Service had also received communications on the morning of this Sub-Committee requesting a copy of a staff alcohol authority form but the service had replied to state there is no such document in existence and were unsure what the intention of the request was.

Three messages had also been left advising attendance at the meeting and Ms Bebbington had confirmed earlier that there would be no one in attendance representing Club 66d Limited.

The Sub-Committee under Regulation 20 of the Licensing Act 2003 (Hearings) Regulation 2005 decided to continue the hearing without the premises licence holder being present under public interest grounds rather than deferring the hearing in their absence.

PC P. Eccleston from Greater Manchester Police (GMP) provided representations to the panel and gave background information on four changes to the named DPS in the last 12 months.

The Sub-Committee then heard information from PC Eccleston about a number of serious crime related incidents linked to the premises which undermined the licensing objectives. Information on these incident and crime reports were provided to the Panel in the form of an annex bundle and witness statements from PC Eccleston which were restricted documents provided by GMP.

A number of CCTV clips was played to the panel which were linked to some of the incidents referred to in the restricted annex bundle.

Footage appeared to evidence:-

- Allowing customers into the venue via the main door after 3.00am.
- Allowing customers to leave the venue via the main door after 4.00am.
- Allowing customers to enter and exit the venue using a side door outside of licenced hours and the exchange of money with door staff.
- The previous owner being allowed into the venue outside of opening hours.
- Failure to adhere to the challenge 25 scheme with appropriate ID checks.
- Customers loitering outside the venue for some time once they had left.
- Unlocked bin storage provided access to glass bottles used as a weapon in an assault outside the venue.

PC Eccleston stated that in his report requests for obtaining relevant CCTV footage from the premises on dates related to incidents had not been produced in the relevant timescales and in some cases had not been provided by the venue to GMP.

Prior to consideration of further representations from GMP, PC Eccleston made an application for part of the representations to be made in private excluding members of the public.

The Panel duly considered the application and passed a resolution excluding members of the public from part of the hearing under regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, on the basis that the public interest in doing so outweighed the public interest in the hearing taking place in public, in view of the information to be discussed.

PC Eccleston went on to make further detailed representations about incidents at the premises.

Police enquiries were on going with evidence being collated as part of the investigations.

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 at the meeting.

DELEGATED DECISION

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and disorder, public safety, and the protection of children from harm. The panel therefore unanimously **resolved to revoke the premises licence with immediate effect and to remove the Designated Premises Supervisor from the licence** in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean these steps were necessary.

The evidence presented had demonstrated the following licensing objectives had not been promoted and failed the:-

- Prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The reasons by the sub-committee, included:-

- Evidence of serious crime taking place at the premises and not promoting the Licensing Objective of Prevention of Crime and Disorder:-
- The premises licence holder was permitting members of the public to loiter outside the venue which is a breach of the premises Licence.
- Serious assault had taken place outside of the premises.
- Sexual offences
- The premises licence holder was not complying with the condition relating to body searches due to them not being conducted with the appropriate equipment.

The Licensing Objective of Public Safety was not being promoted at the premises by the Premises Licence Holder/Designated Premises Supervisor:-

- The Premises Licence holder was allowing drinking containers to be taken from the premises, which is in breach of the condition contained in the premises licence.
- Waste storage was not secured allowing access to discarded drinking bottles.
- The Premises Licence Holder was breaching the condition of the premises licence in relation to the provision and availability of CCTV when requested by a police officer.

The prevention of public nuisance via:-

- The premises licence holder was not complying the last admittance and closing times permitted under the premises licence

The protection of children from harm was not met:-

- The premises licence holder had failed to conduct ID checks, accepting digital images, and not complying with the challenge 25 scheme as required by the conditions of the premises licence.
- The premises licence holder had refused to cooperate with police investigations when requested to do so.
- Patrons under the age of 18 were being given access to the premises.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.00pm and ended at 3.44pm)