

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 25 June 2024

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

L. Jones (Licensing Unit)
M. Cunliffe (Democratic Services)
C Riley (Legal Services)

Also in attendance: PC P. Eccleston (Greater Manchester Police)
M. Wood (Premises Licence Holder)
M. Ireland (Legal representative for the Premises Licence Holder)
A. Clark (Press)
C. Gee (Press)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies were submitted by M. Bridge (Licensing Unit Manager) and C. Smith, (Head of Public Protection).

2 DECLARATIONS OF INTEREST

There were no declarations of interest submitted although one Member of the Committee placed on record that they were a Councillor in the ward the premises was located within.

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

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

The nature of the application and consideration of options was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Officer, Ms L. Jones.

The options available were to consider whether to impose interim steps, which are as follows:-

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

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

On the 24th June 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Sky Bar, Unit 4, Kay Gardens, Bury, BL9 0BL, because they believed that the premises was associated with Serious Crime and/or Disorder. The Licensing Authority must consider whether interim steps are required pending a full summary review hearing.

Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast-track licence review.

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

Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application

Following the review under section 53C, the licensing authority must then review any interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

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

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

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.

The Local Authority is required to consider what interim steps should be imposed for the promotion of the licensing objectives and what the steps should be. Any such measures and the reasons for them must be immediately notified to the premises licence holder.

The Panel will make a decision in relation to interim steps on the day of the hearing and the parties will be verbally notified of that decision. That decision will have immediate effect unless otherwise provided for by the Panel. The parties will also receive written notification of that decision, together with the reasons for it, by letter from the Licensing Office as soon as reasonably practicable following the hearing.

The Chief Superintendent had issued a certificate under section 53A (1)(b) of the

Licensing Act 2003 in which he stated the following:-

The premises are associated with serious crime and serious disorder.

Attached to the agenda packs at Appendix 1 was the Application by Greater Manchester Police for the Summary Review. Appendix 2 was the Certificate issued by the Chief Superintendent respectively.

The Premises Licence attached to the agenda pack at Appendix 3 showed the current licensable activities and conditions.

Circulated to the panel prior to the hearing were a number of support letters and emails from customers of the premises.

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

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

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

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.

PC P. Eccleston from Greater Manchester Police provided a summary of the application for a review at the meeting.

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

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

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

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.

A number of CCTV footage was played by Greater Manchester Police to those in attendance and this was from:-

- Inside the premises
- Outside the premise from the Town Centre CCTV system
- Bury interchange CCTV
- Members of the public mobile phone footage

PC Eccleston highlighted key points of interest from all the clips and there was no audio with the footage.

A Member of the panel enquired about the health of the member of staff that was punched and the person was who had been hit with an A-Board outside the premises. It was reported that the member of staff went back to work later that night and the customer went to hospital but was discharged and had no long-lasting injuries.

A Member asked about when the emergency services were contacted and it was reported that the initial call came from Sky Bar after the customer was hit by the A Board.

A Member enquired about the 2 arrests that had been made and it was reported that this involved the male carrying the spanner and the person who commits the assault. The victim once better would be approached in relation to the original assaults outside the premises.

PC Eccleston and GMP were of the opinion that the licensing objectives had not been met and door staff on duty could have stopped the incidents occurring. Whilst the venue have door staff on a Friday and Saturday, this was a Thursday and with the England football game having taken place in the evening, all town centre bars had been sent a letter of advice to review and update their security arrangements in advance of the tournament.

The legal representative for the premises licence holder, Mr M. Ireland provided background information about the type of venue Sky Bar operated for the last 4 years. It had a focus on the local community with fund raising events for charity and the letters of support from customers circulated, demonstrated this.

The bar would continue to work with the police and their investigations with witness statements in relation to the horrific incident.

The premises licence holder had left the premises after the football finished and the bar was not busy then but with people drinking before a 5.00pm kick off having no door staff was a decision the bar got wrong.

The premises licence holder's daughter who was not on duty along with her partner had approached 2 individuals outside saying you can't drink there and took away their refreshments. This had created a situation with the 2 people requesting a free drink as a result of her actions and other customers telling them to go away.

She is embarrassed by her actions and this has led to one of the individuals to hit another customer with an A Board. Her partner then located a spanner behind the bar area to wield as a threat after the individuals had alleged said they had a knife.

Following the individuals into the interchange a scuffle had taken place with one individual running away and the other falling over and being assaulted with the spanner causing significant injuries. One person was responsible for the assault but as part of that group, this included one off duty member of staff, one on duty member of staff, the partner of the premises licence holder's daughter and a customer.

The on-duty member of staff is seen on CCTV collecting the spanner and disposing it in a nearby waste bin but this was done so it was away from the scene and not used again.

The off-duty member of staff had struck the assault victim with his cap when he was laid on the ground.

The premises licence holder had found out about the incidents at 1.00am and had offered to come into the bar and provide the CCTV but was informed it could wait until the morning.

The staff involved had been suspended from work duties as they had shown disregard for the welfare of the victim and other staff would be trained on how to access the CCTV from the bar. Gaps in staff training would also be looked at so the request would be to consider modifying the conditions of the licence rather than excluding alcohol sales or a suspension of the licence.

This was a one-off incident and no re-occurring problems have been reported at the bar with them scoring highly in the Best Bar None scheme.

An internal risk assessment at the venue had indicated that a minimum of one door staff should be on duty at the premises from 8.00pm each day.

A Member questioned the hiring process of staff and the premises licence holder, Mr M. Wood stated previous bar experience and good character references are taken into account. He wanted families to come to the bar and had attended all the pub watch meetings in the past. On Friday, Saturday and Sunday nights the venue had door staff who used entry wands. Any staff guilty of offences would be released from employment.

A Member asked about staff training records and Mr Wood reported there are regular staff meetings and first aid training was renewed.

A Member had serious concerns on the location of the spanner and where it was stored in the bar and added that de-escalation training could be undertaken for staff.

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

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

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

The Members were also advised of their duties in carrying out those functions in relation to relevant provisions of national guidance and the Council's licensing policy statement.

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and consider the representations presented at the meeting.

DELEGATED DECISION

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

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean interim steps were necessary for amendments to the current premises licence under the licensing objectives:-

- That at least one SIA registered door staff must be on duty at the premises from 8.00pm every night.

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

- The prevention of crime and disorder
- Public Safety

The reasons by the sub-committee, included:-

- The interim steps were required to effectively address the problem and that no alternative power would adequately address the situation and to protect the public and meet the licensing objectives.
- The violence used throughout the prolonged incident was considered to meet the criteria of serious disorder.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 1.00pm and ended at 2.45pm)