

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

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-Committee 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 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)