

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.