

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.