

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	LICENSING HEARINGS PANEL
DATE:	29th May 2015
SUBJECT:	AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESEPT OF THE LORD RAGLAN, 12-14 WATER STREET, RADCLIFFE
REPORT FROM:	ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report relates to an application by the Chief Constable of Greater Manchester Police in respect of the licence premises known as the Lord Raglan 12-14 Water Street, Radcliffe for a Summary Review of the Premises Licence pursuant to Sections 53A to 53C of the Licensing Act 2003 as amended by section 21 of the Violent Crime Reduction Act 2006. The reason for the application is because the police believe that the premises are associated with serious crime and/or serious disorder.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> 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.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals.

Statement by Executive Director of Resources:	The cost of the licensing function are 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.
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	Yes Under the legislation the Council is required to determine the application. The report is in accordance with the appropriate legislation.
Wards Affected:	Radcliffe East
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 INTRODUCTION

- 1.1 On the 6th May 2015, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Lord Raglan, 12-14 Water Street, Radcliffe because they believe that the premises are associated with Serious Crime and/or Serious Disorder.
- 1.2 On Friday 8th May 2015, following receipt of the Summary Review application from Greater Manchester Police, Members of the Licensing and Safety Panel considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives. The Panel viewed CCTV footage of the serious incidents of crime and disorder which had taken place within the Lord Raglan during the early hours of Saturday 2nd May 2015.
- 1.3 The Panel resolved that in order to promote the said licensing objectives, it was necessary to take interim steps and that it must suspend the premises licence immediately. The reasons for the Panel's decision are attached at appendix one.
- 1.4 The premises licence in respect of the Lord Raglan has been held by JBL House Limited since 10th April 2014 and the designated premises supervisor has been Mr. Christopher O'Brien since 11th August 2014.

- 1.5 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.
- 1.6 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

2.0 BACKGROUND

- 2.1 The Chief Superintendent has issued a certificate under section 53A(1)(b) of the Licensing Act 2003 in which he states the following:-

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because an incident took place in the early hours of Saturday 2nd May 2015, whereby a large scale fight erupted within the Lord Raglan licensed premises. As a result 2 males sustained injuries consistent with stab wounds, one of these two males was also hit around the head with a bottle and a 3rd Male was punched to the face. The premises licence holder – Rezart Balesi and the designated premises supervisor were present in the Lord Raglan at the time of the incident, neither they or any other staff member have made contact to the police to inform them of the incident. On police arrival officers could not initially gain entry to the premises and finally on doing so attempts have been made to clean up the scene, thus damaging any potential forensic evidence.

There is history of other incidents of violence at the premises and also of the staff being uncooperative with the police.

Such offences, on conviction in the Crown Court for which a person aged 21 years or over with no previous convictions could reasonably be expected to be sentenced to imprisonment of 3 years or more and involves the use of violence. I am therefore satisfied that the offence constitutes serious crime as defined by reference to section 81 of the Regulatory of Investigatory Powers Act 2000.

A closure order was not required at the time as the premises had closed by that time to the members of the public and a voluntary closure was applied the following evening by the designated premises supervisor, a section 151 review would take too long to implement as there are major concerns regarding the safety of members of staff and patrons attending the venue.

A brief summary of the incident leading to the issue of this certificate is set out at section 4, Annex C “Form for applying for a summary licence review”.

As a result of the incident summarised within that document, the Greater Manchester Police asks that the licence for the Lord Raglan be revoked. Supporting evidence accompanies this certificate and the form of application.

In the interim, the Greater Manchester Police asks that the Licensing Authority considers the suspension of the premises licence until a full review is heard before the Committee.

3.0 REPRESENTATIONS

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 has given Notice of this review by placing a Notice on the premises, at the Council Offices and on the Council web-site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them. The Greater Manchester Police will give evidence at the hearing. A representation has been received from the Bury Safeguarding Children Board in their capacity as a Responsible Authority which indicates that it supports the actions suggested by Greater Manchester Police to ensure the safety on the public (including children) and the prevention of crime and disorder. This is attached at appendix three.

- 3.1 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

4.0 CURRENT LICENSABLE ACTIVITIES

- 4.1 The premises licence which shows the current licensable activities and conditions is attached at appendix two.

5.0 OBSERVATIONS

- 5.1 After hearing any representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance. This includes taking such steps as it considers necessary to promote those objectives and to secure that, from the coming into effect of the decision on the review, any interim steps cease to have effect.
- 5.2 Members are advised that the legislation provides a mechanism for the appeal of the Licensing Authorities decision to the Magistrates Court. Any decision made by the Licensing Authority does not have effect until the end of the 21 day period given for lodging an appeal or if an appeal is lodged and not withdrawn, until the appeal is disposed of.
- 5.3 Members should also be aware that current caselaw states that interim steps remain in force pending determination of the appeal.

List of Background Papers:-

Current Premises Licence
Section 53A application, Certificate and supporting evidence
Licensing and Safety Panel Minutes (interim steps hearing) – 8th May 2015

For further information on the details of this report, please contact:

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street

BURY
Telephone No: 0161 253 5209