

LICENSING SUB-COMMITTEE

MINUTES OF MEETING Monday, 20th January 2020

PRESENT: Councillors Burke, O'Neill and Rush.

OFFICERS: J. Alom (Neighbourhoods Directorate), Z. Ali and P. Thompson (Resources Directorate)

ALSO IN ATTENDANCE: Councillor K. Nolan, Councillor D. Williams; PC Ockwell, G. Grennan, D. Kent (Greater Manchester Police); Victor Adereni (Infinity Restaurant and Bar) and three members of the public.

17 APPOINTMENT OF CHAIR

Resolved:

That Councillor Burke be appointed Chair for the duration of the meeting of the Licensing Sub-Committee.

18 DECLARATIONS OF INTEREST

There were no declarations of interests.

19 PROCEDURES FOR HEARINGS UNDER THE LICENSING ACT 2003

The Chair advised that the Sub-Committee had been convened to assist in the Review of the Premises Licence in respect of the Infinity Restaurant and Bar, 1 Market Place, Middleton, Manchester, M24 6AE, which had been the subject of a Police certificate and application, in accordance with Section 53A of the Licensing Act 2003.

The meeting was conducted in accordance with the adopted "Procedure for Hearings under the Licensing Act 2003 where representations are received", as contained within the Local Authority's Code of conduct for Members and Officers Dealing with Matters under the Licensing Act 2003.

20 LICENSING OFFICER

The Licensing Officer addressed the Sub-Committee in respect of the submitted report, copies of which had been made available to the parties in advance of, and at the hearing. The submitted report included representations received from the applicant, from representatives of Greater Manchester Police and from North Middleton Ward Councillors.

The Sub-Committee in determining the application was required to give due regard to local policy considerations and the national guidance. The Licensing Officer advised that the Sub-Committee had been convened to assist in the Review of the Premises Licence in respect of the Infinity Restaurant and Bar, 1 Market Place, Middleton, Manchester, M24 6AE, which had been the subject of a Police certificate and application, in accordance with Section 53A of the Licensing Act 2003.

In respect of the application the Sub-Committee were invited to determine the application and either:

- a. Consider modification of the conditions of the Premises Licence;
- b. Consider the exclusion of licensable activity from the scope of the licence;
- c. The removal of the designated premises supervisor from the licence;
- d. The suspension of the licence for a period not exceeding three months;
- e. The revocation of the licence

The Licensing Sub-Committee has delegated authority to determine reviews of Premises Licences in accordance with Section 53C of the Licensing Act 2003, to take interim steps.

21 REPRESENTATIONS

Mr. D. Kent addressed the Sub-Committee on behalf of Greater Manchester Police.

Councillor K. Nolan and Councillor D. Williams, North Middleton Ward Members, addressed the Sub-Committee in relation to this matter.

22 THE APPLICANT

Mr. Victor Adereni, the Premises Licence Holder of the Infinity Restaurant and Bar, 1 Market Place, Middleton, addressed the Sub-Committee.

23 EXCLUSION OF PRESS AND PUBLIC

All parties were requested to retire from the meeting whilst the Sub-Committee determined the application for a Premises Licence, after which the respective parties were re-admitted to the meeting.

24 DECISION

An application was made by Greater Manchester Police (GMP) for a review of the Premises Licence in respect of the Infinity Restaurant and Bar, 1 Market Place, Middleton, M24 6AE. At the hearing to review the Premises Licence, the Licensing Sub-Committee listened carefully to all of the representations made by the people who had spoken at the hearing and had carefully considered all of the evidence presented.

The Sub-Committee heard from GMP that:-

- a. Following a crime relating to a serious incident, which occurred on 21st December 2019 and to a further incident that had taken place on 22nd December 2019, GMP had applied to the Licensing Authority for an expedited summary review of the premises. The subsequent hearing was held on 24th December 2019, due to the serious nature of the incident that had occurred on 21st December 2019. The Licensing Sub-Committee determined to suspend the Premises Licence, pending the full review of the Licence, in accordance with Section 53 of the Licensing Act 2003. This was the reason that this meeting of the Sub-Committee had been convened.

- b. There had been no contact, or communication, made by the Premises Licence holder, of the serious incident which had taken place on 21st December 2019, to GMP.

CCTV footage was shown of the incident that had taken place on 21st December 2019, which related to a large scale fight. Written and oral evidence from GMP, together with CCTV footage, revealed that two GMP Officers (one male and one female) were injured. CCTV footage showed the premises' security team escorting three people outside and once outside there was a large scale fight.

A summary of issues, outlined by GMP, included concerns to a breach of Licence Conditions, namely: operating outside licensing hours (CCTV footage showed an incident on 29th April 2019 of customers being drunk and disorderly).

In an incident on 29th September 2019 there was a large scale fight, with males using weapons namely: metal poles. There was no contact made by the Premises Licence Holder with GMP. There was an indication that drugs were being sold on the premises. There was no confidence in the management structure, at the Infinity Bar. In accordance with Section 182 of the Licensing Act 2003, where serious crime had occurred on and near the premises and where the 'Crime Prevention Licensing Objectives had been undermined it was noted that revocation of the Premises Licence could be considered. Therefore in promoting the Prevention of Crime and Public Safety Licensing Objectives, the revocation of the Premises Licence was appropriate.

The Sub-Committee heard from Councillor Nolan and Councillor Donna Williams, North Middleton Ward Councillors, in that they were shocked to hear and see incidents taking place at and outside the vicinity of the Infinity Bar and in adjunct with representations made, fully supported the application by GMP to revoke the Premises Licence.

The Sub-Committee heard representations from the Premises Licence Holder in that he had fully co-operated with GMP as and when required; that his livelihood was at stake; that he accepted that he was responsible for the premises; and that he had recently upgraded his CCTV facility. The Premises Licence Holder requested if he could be given one more opportunity as he felt that he was contributing to the local economy in Middleton. The Premises Licence Holder further relayed that there were three scanners at the premises by which customers would be checked for any weapons and for their ID, this facility being constantly checked by the security team at the premises.

The Premises Licence Holder accepted that he was unable to provide full documentation of the incidents when requested to do so by GMP and he also accepted that he was operating outside of the licensing hours but denied that any drug dealing or drug consumption had occurred at the premises. The Premises Licence Holder denied allowing any person to be served alcohol who appeared to be drunk and disorderly (CCTV footage had shown this not to be the case). The Premises Licence Holder had only realised that the

CCTV recorded for four days, when GMP asked for the footage a technical problem was cited as a reason for withholding the said footage – prior to that incident the CCTV footage had been working.

The Premises Licence Holder advised that at no time had the upstairs of the premises been used after or during the premises' licensable activities – only the ground floor was in use.

The Licensing Sub-Committee was satisfied, on the basis of the evidence presented that:

1. Significant breaches of licensing conditions and failures to comply with the provisions of the Licensing Act had occurred and;
2. There had been serious crime and disorder which had been linked to the premises.

These actions did not promote the licensing objectives.

Therefore based upon the above and having regard to the application and other relevant representations made, the Licensing Sub-Committee resolved to revoke the Premises Licence in accordance with Section 53 (C) of the Licensing Act 2003.

The above action was considered an appropriate and proportionate action for the promotion of the prevention of the crime and disorder and public safety licensing objectives.

An appeal may be made to the Magistrate's Court against the decision by the Applicant (GMP), the Premises Licence Holder or any other person who made a relevant representation, within 21 days of the receipt of written notice of this decision.

Representations had been invited in relation to the interim steps currently in place. Section 53 (D) makes provisions for the review of the interim steps that had been taken by the licensing authority under Section 53 (B), before a decision under Section 53 (C) takes effect.

Having considered whether interim steps were appropriate for the promotion of the licensing objectives and any relevant representations, the licensing authority has determined that the interim steps should remain, that being the suspension of the Premises Licence.

In accordance with Section 53 (D) (5) of the Licensing Act 2003, the interim steps put in place following the hearing on 24th December 2019 will cease to have effect from the coming into effect of the decision of the Licensing Review. A decision under Section 53 (D) may also be appealed.

Councillor Phil Burke – Chair of the Licensing Sub-Committee