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Meeting of: Licensing Sub-Committee
(Review of Premises Licence)
Date: Monday, 20th January, 2020
Time: 10.00 am.
Venue: Committee Room 1 - Rochdale Town Hall,
Rochdale, OL16 1AB

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Item No.	AGENDA	Page No
1	Appointment of Chair To appoint a chair for the duration of the meeting	
2	Chairs Opening Comments The Chair will introduce members of the Licensing Sub-Committee and officers present and invite the applicant and other parties to introduce themselves.	
3	Declarations of Interest Members are required to declare any disclosable pecuniary, personal or personal and prejudicial interests they may have and the nature of those interests relating to items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.	
4	Introduction The Chair will outline the procedure to be followed at the meeting	4
5	Licensing Officer The Licensing Officer will present the report	5 - 8
6	Representations The party making representations and/or their representative will	

address the members of the Licensing Sub-Committee, providing any information in support of their representation, and call any witnesses in support of their representation. These representations will be taken in the following order as applicable/if necessary:-

- a) Police Representation
- b) Fire Service Representation
- c) Environmental Health Representation
- d) Weights and Measures
- e) Planning
- f) Social Services Representation
- g) Any other interested person (including the local ward Councillor if present)

7 Applicant's Case

The applicant and/or their representative will address the Licensing Sub-Committee, present information in support of the application, and to call any witnesses in support of the application, one witness at a time.

8 Final Submissions

Each party will have no more than five minutes to make their final submissions.

9 Exclusion of Press and Public

To consider that the press and public be excluded from the remaining part of the meeting pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that discussions may involve the likely disclosure of exempt information as defined in the provisions of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

10 Determination

The Licensing Sub-Committee will make its decision in private and all of the parties will be asked to leave the room. The Legal Officer and the Clerk will remain with the Licensing-Committee to give legal or procedural advice only.

11 Re-Admission of Press and Public

All parties to be invited back into the meeting

12 Decision

Upon reaching a decision, the parties will be asked to return to the room and the Chair will announce the decision.

If the Licensing Sub-Committee defer in reaching a decision, the Clerk will write to the relevant parties to tell them of the Licensing Sub-Committee's decision within the relevant time-scale.

Licensing Sub-Committee Members

Councillor Phil Burke
Councillor Peter Rush

Councillor Shaun O'Neill

For more information about this meeting, please contact:

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Agenda Item 4

Checklist for Licensing Sub Committee Hearings

The procedure at the hearing	Tick
Chair's introduction.	
Licensing Manager/Officer to be invited to present report.	

Responsible Authorities:

1. Responsible Authority to be invited to present its case.	
2. Each other Party present to be invited to question the Responsible Authority.	
3. Members of the Committee to ask any questions to the Responsible Authority.	

Interested Parties:

1. Interested Party to be invited to present its case.	
2. All other parties present to be invited to question the Interested Party.	
3. Members of the Committee to be invited to question the Interested Party.	

Licensee/DPS:

1. Licensee/DPS to be invited to present its case.	
2. All other parties present to be invited to question the Licensee/DPS.	
3. Members of the Committee to be invited to question the Licensee/DPS	

Final Submissions

All parties to be invited to make final submissions for no more than 5 minutes.	
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Finally all parties to be asked to leave the room so that the Committee can make its decision in private

Agenda Item 5

REPORT FOR DECISION



ROCHDALE
BOROUGH COUNCIL

Status: Publication

Subject: REVIEW OF PREMISES LICENCE FOLLOWING A CERTIFICATE AND APPLICATION - SECTION 53A THE LICENSING ACT 2003

Premises: Infinity Restaurant & Bar, 1 Market Place, Middleton, M24 6AE

Report to: Licensing Sub-Committee

Date: 20th January 2020

Cabinet Member: Councillor Sara Rowbotham
Cabinet Member for Health and Wellbeing

Report of: Mark Widdup
Director of Neighbourhoods

Author: Jahangir Alom
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1 Purpose of Report

- 1.1 The report provides information to the Sub-Committee to assist in the review of the Premises Licence in respect of the premises, Infinity Restaurant & Bar, 1 Market Place, Middleton, M24 6AE, which has been the subject of a Police certificate and application, in accordance with Section 53A of the Licensing Act 2003.

2 Recommendations

- 2.1 Members are to review the facts and if applicable either:
- a) the modification of the conditions of the premises licence,
 - b) the exclusion of a licensable activity from the scope of the licence,
 - c) the removal the designated premises supervisor from the licence,
 - d) the suspension the licence for a period not exceeding three months, or
 - e) the revocation of the licence.

3 Reason for recommendation

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

4 The Premises Licence

- 4.1 Licence Holder: Mr Victor Shegun Adereni

Designated Premises Supervisor

Licence Holder: Mr Victor Shegun Adereni

4.2 Scope of Licence

The premises is situated in Middleton and has operated under a Premises Licence issued under section 17 of the Act to allow indoor sporting events, the performance of live music (indoors), the playing of recorded music (indoors), the performance of dance (indoors), facilities for dancing (indoors), the provision for making music (indoors), the provision of late night refreshment (indoors) and the sale by retail of alcohol for consumption on and off the premises.

The premises licence is attached as Appendix 1 of this report.

The location plan is attached as Appendix 2 of this report.

5 Legislation

Sections 53A – 53D of the Act deals with the provisions for summary review of premises licences on application from a Senior Police Officer.

Section 53A states:

(1) The Chief Officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if –

- (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
- (b) a senior member of that force has given a certificate that is his opinion that the premises are associated with serious crime or serious disorder or both; and that certificate must accompany the application.

(2) On receipt of such an application, the relevant licensing authority must –

- (a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
- (b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.

Section 53C states:

(1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.

(2) The relevant licensing authority must -

- (a) hold a hearing to consider the application for the review and any relevant representations;
- (b) take such steps mentioned in subsection (3) (if any) as it considers appropriate for the promotion of the licensing objectives.

(3) Those steps are—

- (a) the modification of the conditions of the premises licence,
- (b) the exclusion of a 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, or
- (e) the revocation of the licence.

(4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

Section 53D states:

(1) At the hearing to consider an application for a review under section 53A, the relevant licensing authority must review any interim steps that have been taken by the relevant licensing authority under section 53B that have effect on the date of the hearing.

(2) In conducting the review under this section, the relevant licensing authority must—

- (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
- (b) consider any relevant representations; and
- (c) determine whether to withdraw or modify the interim steps taken.

(3) The power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps—

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence;
- (d) the suspension of the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

6 Application for a Summary Licence Review

6.1 The Certificate under section 53A(1) of the Licensing Act 2003

The Superintendent, of Greater Manchester Police, served a Certificate and an Application for a review of the premises licence on the Licensing Authority on the 23rd December 2019 at 12.15 hours.

The certificate and application for review of the premises licence are attached as Appendix 3 of this report.

6.2 Interim steps pending review

On receipt of the application on 23rd December 2019, the Licensing Sub-Committee had to consider within 48 hours whether it was necessary to take any interim steps pending determination of the review of the Premises Licence. The Licensing Sub-Committee hearing convened on 24th December 2019. The Licensing Sub-Committee held at the hearing to suspend the Premises Licence with immediate effect in the interim, pending review.

The Licensing Sub-Committee's notice of determination (24th December 2019) is attached as Appendix 4 of the report.

7 Relevant Representations

7.1 Legislation

Section 53(c) states;

(2) The relevant licensing authority must -

- (a) hold a hearing to consider the application for the review and any relevant representations;
- (b) take such steps as it considers appropriate for the promotion of the licensing objectives.

7.2 Interested Persons Representations

a) A representation was received on 7th January 2020 from Councillor Donna Williams in her capacity as a Ward Councillor.

In summary, Councillor Williams' concerns relate to the licensing objective, the prevention of crime and disorder. Councillor Williams states that there have been a substantial number of complaints from residents with regards to activities taking place at the premises. These activities have included alcohol being retailed to customers after the end of the premises licensable hours; alcohol being retailed to customers who were intoxicated; customers being violently attacked at the premises with those concerns being reported to the Police; the use of drugs at the premises and potential safeguarding concerns in respect of female customers at the premises.

The representation is attached as Appendix 5.

b) Representations were received on 8th January 2020 from Councillor Sara Rowbotham and Councillor Kallum Nolan in their capacity as Ward Councillors.

In summary, their concerns relate to the licensing objective, the prevention of crime and disorder. Their concerns echo Councillor Williams' representation.

Councillor Rowbotham's representation is attached as Appendix 6 and Councillor Nolan's representation is attached as Appendix 7.

8 Observations

8.1 The Committee is obliged to determine this review with a view to promoting the licensing objectives.

8.2 In making its decision, the Committee is also obliged to have regard to National Guidance and the Council's own Licensing Policy.

8.3 Of course, the Committee must also have regard to the information provided by all parties today.

8.4 The Committee must take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- a) the modification of the conditions of the premises licence,
- b) the exclusion of a licensable activity from the scope of the licence,
- c) the removal the designated premises supervisor from the licence,
- d) the suspension the licence for a period not exceeding three months, or
- e) the revocation of the licence.

And decide which interim steps cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

8.5 Nonetheless, this is a matter for the Committee to determine in the light of the above matters and any others it considers material.

<p>For further information about this report or access to any background papers, please contact Jahangir Alom, Licensing Operational Manager in Neighbourhoods Service, Number One Riverside, Smith Street, Rochdale. OL16 1XU Telephone: 01706 924114.</p>
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Agenda Item 10

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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