



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: 24th December 2019

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

Report of: Mark Widdup
Director of Neighbourhoods

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1 Purpose of Report

- 1.1 The report provides information to the Sub-Committee to assist in the interim 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 either:
- 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

3 Reason for recommendation

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

4 The Premises Licence

- 4.1 Licence Holder: Mr Victor Shegun Adereni

Designated Premises Supervisor

Name: 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.

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.

7 Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003

Extract:

12. Summary Reviews

12.1 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.

12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken.

8 Observations

- 8.1 The Committee is obliged to determine this interim review with a view to promoting the licensing objective to prevent crime and disorder.
- 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 interim steps as it considers necessary for the promotion of the licensing objective:
 - 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.
- 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.

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.

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