

LICENSING ACT 2003 SUB COMMITTEE

Tuesday, 4th December, 2018
10.00 am





LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

**Tuesday, 4th December, 2018 at 10.00
am**

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

AGENDA

1) *Appointment of Chair*

To consider the appointment of Chair for the meeting

2) *Apologies for Absence*

To receive any apologies for absence

3) *Minutes of the last Meetings*

5 - 10

To approve as a correct record the Minutes of the last Licensing Act 2003 Sub Committee meetings held on 2nd and 11th July 2018.

4) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency

5) *Declaration of Interest*

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

6) *Exclusion of the Public*

To determine during which items, if any, the public are to be excluded from the meeting

7) *Review of a Premises Licence - Blu Bar, Cow Lane, Burnley*

11 - 18

To consider a review of the Premises Licence under the Licensing Act 2003 relating to Blu Bar, Cow Lane, Burnley

a) *Appx A-Premises Licence*

b) *Appx B-Review Application*

c) <i>Appx C-Lancashire Police</i>	19 - 32
d) <i>Appx D-Representations</i>	
e) <i>Appx E-Conduct of Hearings</i>	33 - 40
MEMBERSHIP OF COMMITTEE	

Councillor Frank Cant
Councillor Ivor Emo

Councillor Anne Kelly
Councillor Ida Carmichael
(4th Member)

PUBLISHED

Monday, 26th November 2018

This page is intentionally left blank



**BURNLEY BOROUGH COUNCIL
LICENSING ACT 2003 SUB COMMITTEE**

BURNLEY TOWN HALL

Monday, 2nd July, 2018

PRESENT

MEMBERS

Councillors I Carmichael, A Kelly and A Royle

OFFICERS

John Yardley – Licensing Enforcement Officer
Emma Barker – Principal Legal Officer - Litigation & Regulation
Imelda Grady – Democracy Officer

ALSO IN ATTENDANCE

John Clucus – Lancashire Constabulary
Rick Wilson – Trading Standards
Lauren Manning – Trading Standards
Suzanne Parkinson – Trading Standards

8 Appointment of Chair

Councillor Anne Kelly was appointed as Chair for this meeting.

9 Minutes of the last Meetings on 5th and 6th June 2018.

The Minutes of the meetings held on 5th and 6th June 2018 were agreed as a correct record and signed by the Chair.

10 Exclusion of the Public

That the determination of a transfer of a premises licence under the Licensing Act 2003 relating to M & M Food Store, 67-69 Athol Street South, Burnley be held in public.

11 Determination of a Transfer of a Premises Licence - M&M Food Store, 67-69 Athol Street South, Burnley, BB11 4PA.

The applicant and representatives of M & M Food Store were absent.

John Yardley confirmed that the notices of the hearing had been sent by to the applicant and the applicant's legal representative.

The Committee decided to proceed in the absence of the applicant pursuant to regulation 20 (2) of The Licensing Act 2003 (Hearings) Regulations 2003

John Yardley reported on the application to transfer a premises licence at M&M Food Store, 67-69 Athol Street South, Burnley, BB11 4PA under Section 44 of the Licensing Act 2003 and to specify a new Designated Premises Supervisor (DPS) under Section 37 of the Licensing Act 2003 and presented his case on behalf of the Licensing Authority.

John Clucus presented the case on behalf of Lancashire Constabulary.

Rick Wilson presented the case on behalf of Lancashire County Council Trading Standards Service.

Members and the relevant parties set out above asked questions regarding the transfer of the premises licence and the Designated Premises Supervisor.

DECISION AND REASONS FOR DECISION

Decision

That the transfer of the Premises Licence under Section 44 of the Licensing Act 2003 in relation to M&M Food Store, 67-69 Athol Street South, Burnley, BB11 4PA be refused and the application for Rehana Iqbal to be the new Designated Premises Supervisor under Section 37 of the Licensing Act 2003 also be refused.

Reason for Decision

On the grounds that given the evidence presented to them, the Committee believe Rehana Iqbal was aware and actively involved in the supply and distribution of illicit goods which undermines the licensing objective of the prevention of crime and disorder.



BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Wednesday, 11th July, 2018

PRESENT

MEMBERS

Councillors A Kelly, A Royle and B Brindle

OFFICERS

Peter Henderson	– Principal Licensing Officer
David Talbot	– Senior Solicitor
Eric Dickinson	– Democracy Officer
Claudia Wilcock	– Business Administration Apprentice

12 Appointment of Chair

Councillor Anne Kelly was appointed as Chair for this meeting.

13 Exclusion of the Public

That the determination of a review of a premises licence under the Licensing Act 2003 relating to M & M Food Store, 67-69 Athol Street South, Burnley be held in public.

14 Determination of a Review of a Premises Licence for M&M Food Store, 67-69 Athol Street South, Burnley, BB11 4PA.

The applicant and representatives of M & M Food Store were absent.

Peter Henderson confirmed that that the notices of the hearing had been sent to the applicant and the applicant's legal representative.

Rick Wilson on behalf of Lancashire County Council Trading Standards Service, and John Clucas on behalf of Lancashire Constabulary, presented their cases for the hearing to proceed in the absence of the applicant.

The Committee decided to proceed in the absence of the applicant as it did not consider it necessary in the public interest to adjourn the hearing to a new date.

Peter Henderson reported on a review of a premises licence at M&M Food Store, 67-69 Athol Street South, Burnley, BB11 4PA and presented the case on behalf of the Licensing Authority.

Rick Wilson, accompanied by Lauren Manning and Dawn Robinson and Suzanne Parkinson, presented the case on behalf of Lancashire County Council Trading Standards Service.

John Clucas presented the case on behalf of Lancashire Constabulary.

Members and the relevant parties set out above asked questions regarding the review.

DECISION AND REASONS FOR DECISION

Decision

That the Premises Licence for M&M Food Store, 67-69 Athol Street South, Burnley, BB11 4PA be revoked.

Reasons for Decision

1. There have been 12 separate occasions since September 2008 when illicit tobacco products have been purchased or seized by Trading Standards officers of Lancashire County Council;
2. The licence holder was convicted on 15th January 2015 of two offences under section 40(2) of the Consumer Protection Act 1987 in relation to the sale of cigarettes in packaging which did not comply with relevant tobacco safety regulations;
3. Tobacco was seized from the premises in circumstances where there had clearly been a deliberate attempt to conceal them from the authorities;
4. Paragraph 11.27 of the government guidance issued under section 182 of the Licensing Act 2003, which has been considered in accordance with the licensing authority's duty under section 4(3) of the Licensing Act 2003, advises that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. These include "the sale or storage of smuggled tobacco and alcohol". In respect of such offences, the guidance (paragraph 11.28) envisages that licensing authorities will use review procedures effectively in order to deter such activities and crime and that revocation, even in the first instance, should be seriously considered;
5. Burnley Borough Council's Statement of Licensing Policy (2016-2021) states, at paragraph 3.7 that the authority must do "... all it can to prevent crime and disorder";
6. Paragraph 3.8 of the Statement of Licensing Policy goes on to state that the Council will consider whether it is necessary to impose conditions to regulate behavior on the premises. The committee have accordingly considered whether it would be

appropriate to impose further conditions in this case but have concluded that the flagrant disregard of the law by the licence holder despite substantial enforcement activity is of such a degree that additional conditions would not be an effective measure in this case;

7. In light of the above-mentioned circumstances, it is considered that revocation of the premises licence is a proportionate measure and serves to promote the crime prevention objective

This page is intentionally left blank

REPORT TO LICENSING SUB-COMMITTEE
--



DATE	4th December 2018
PORTFOLIO	Community and Environment
REPORT AUTHOR	John Yardley
TEL NO	01282 425011
EMAIL	jyardley@burnley.gov.uk

Licensing Act 2003 Determination of an application for a review of a premises licence

PURPOSE

1. To advise members of the requirement to determine an application for review under Section 52 of the Licensing Act 2003.

2. The premises are Blu Bar, Cow Lane, Burnley.

RECOMMENDATION

3. Members are recommended to make a determination at the conclusion of the hearing as required by Regulation 26(1) of the Licensing Act (Hearings) Regulations 2005.

Having considered all relevant facts, the Committee is empowered to take any of the following steps which are necessary to promote the licensing objectives:

- a. to modify the conditions of the licence;
- b. to exclude a licensable activity from the scope of the licence;
- c. to remove the designated premises supervisor;
- d. to suspend the licence for a period not exceeding three months; or
- e. to revoke the licence.

REASONS FOR RECOMMENDATION

4. Members of the Licensing Committee are responsible for determining such applications.

SUMMARY OF KEY POINTS

5. The Licensing Objectives are:
- Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm

The premises currently hold a licence which authorises them to supply alcohol by retail sale for consumption on and off the premises 24 hours per day, 7 days per week

The holder of the premises licence is Beverley Musso and Designated Premises Supervisor is Mark Whittam Jones.

The following mandatory conditions are attached to the licence:

No supply of alcohol may be made under the premises licence -

- (a) At a time when there is no designated premises supervisor in respect of the premises,
or
(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

When a film is exhibited, admission of children to that part of the premises must be restricted in accordance with any recommendation made by the British Board of Film Classification in relation to that film.

Use of door supervisors.

Each individual in the premises who carries out a security activity must be licensed by the Security Industry Authority unless the premises or part of the premises where they are present is being used wholly or mainly as a restaurant or guest house, for theatrical performances or plays, or a Gaming Licence is for the time being in force in respect of those premises.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol

sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

The following conditions which form part of the current licence were imposed in Accordance with the Operating Schedule & Under Paragraph 18(4) & 18(5) Schedule 8 Licensing Act 2003;

All external doors and windows must be kept closed when any amplified or unamplified music or voices are being played within the premises.

There shall be placed at all exits of the premises in a place where they can be seen and easily read by the public requiring customers to leave the premises quickly and quietly.

No external speakers shall be used outside the building; this will include any beer gardens or outside drinking area or car park after 22.00hrs.

The maximum number of persons permitted on the premises is;

Staff 30

Patrons 329

At peak times a minimum number of 2 members of door staff registered with the SIA will be on duty for the first 100 customers and thereafter one for every 100 or part thereof.

Whenever the designated premises supervisor is not at the premises another responsible person will be nominated by the designated premises supervisor as being the person to manage the premises.

At peak times a minimum number of 2 members of door staff registered with the SIA will be on duty for the first 100 customers and thereafter one for every 100 part thereof.

Door supervisors registered with SIA shall be equipped with an appropriate method of keeping an accurate record of the capacity levels.

Door supervisors shall be positioned at each entrance/exit (other than fire only exits) to ensure that no customer leaves with any bottles or glasses.

Door supervisors registered with SIA shall be equipped with an appropriate method of keeping an accurate record of the capacity levels.

Door supervisors will patrol the queue to the premises as necessary to ensure that customers who are drunk or who have acted in a disorderly manner, or have behaved in such a way as to cause a public nuisance or disturbance, are prevented from entering the premises.

The designated premises supervisor will maintain a daily record comprising of the following:-

Start and finish time of each door supervisor.

The door supervisor will record their SIA badge number and will sign and print their name in a legible form at the beginning and end of each tour of duty.

The record shall be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorised person.

The premises licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend meetings of any pub watch scheme for the area within which the premises are located.

An appropriate method of communication, as determined by the Police, will be used at the premises. (This method of communication may change in the future as technology advances). This at present refers to registration of the community/network radio scheme.

A CCTV system is installed at the premises which covers both internal & external areas. The system records and the data is kept for 21 days and will be produced to the authorities on request.

Free drinking water to be made available at all times from the bar.

A daily incident logbook detailing all incidents of note at the premises or in the immediate vicinity e.g. slips, accidents, entry refusals and incidents of disorder etc. The log will detail the date, time, type of incident, brief circumstances, action taken and person dealing. The logbook will be made available for up to six months to Police or any other responsible authority for inspection, if required.

Exit doors are regularly checked to ensure they function satisfactorily. The emergency lighting has sufficient battery capacity to allow adequate evacuation of the premises.

The premises have a CORGI certificate of inspection in respect of any gas boiler. The premises have a satisfactory NICEIC or ECA periodic electrical installation report.

As and when the Police deem it necessary the following conditions relating to certain sporting fixtures and/or local events will apply:

All drinks will be served in plastic glasses without exception. All glasses to be purchased by the licensee.

The full existing premises licence is appended at Appendix 'A'.

- 6 On the 18th October 2018, the Licensing Authority received an application to review the Premises Licence of Blu Bar from Lancashire Constabulary. The grounds for the review being that it is the view of Lancashire Police that there is a disproportionately high number of reported incidents of crime and disorder associated with these premises and that the licensing objective of the prevention of crime and disorder is being seriously undermined at the premises.

In addition, the protection of children from harm objective is being undermined given a recent revelation that a 17-year-old was arrested at the premises who was working there, along with underage children being admitted entry to the club.

Concerns relate to all times the premises is trading however there are specific concerns in relation to the running of the premises after 6am when there is a noticeable increase in incidents of crime and disorder which can be associated with the premises. After this time most of the incidents can be described as alcohol-related involving drunken people.

The review application submitted by Lancashire Police is appended at Appendix 'B'.

Supporting evidence submitted by Lancashire Police is Appended at Appendix 'C'

The Licensing Authority has received representations from Catherine Price the Town Centre Manager for Burnley and Padiham, Richard Brown a Community Safety Officer with Burnley Borough Council and Zed Hamid the Dual services Manager at Charter Walk Shopping Centre. Details of these representations are contained witness statements which are appended at Appendix 'D'.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. None

POLICY IMPLICATIONS

8. The following paragraphs from Burnley Borough Council's Statement of Licensing Policy are relevant to this application:

1.3 We desire to create an environment where local people and visitors to our areas will have better opportunities to enjoy their leisure time in safety without fear of violence, intimidation or disorder whilst on or in the vicinity of licensed premises.

1.10 We will endeavor to carry out our licensing functions in a way that:

- ensures public safety
- supports well managed premises where licence holders seek to actively promote the licensing objectives and display sensitivity to the potential impact of licensable activities on local residents and other businesses
- protects residents' quality of life.

3.7 Under the Crime and Disorder Act 1998, the authority must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder. Where its discretion is engaged, the authority will seek to promote the licensing objective of preventing crime and disorder in a manner which supports the Lancashire County Council Community Safety Action Plan and any local community safety priorities or emerging threats identified Burnley Community Safety Delivery Group (MATAC)

3.8 If relevant representations are made in relation to a premises licence or club premises certificate, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are

beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.

14.1 Where an application for a review of a premises licence is made, we will inform the public of the application for review in accordance with the regulations made under the Act thereby allowing any other responsible authority, authorised person or interested party to also make application at that time.

Members are reminded of the consideration they should give to the Human Rights Act 1998 in particular those rights afforded by Article 6 (right to a fair hearing), Article 1 of the First Protocol (protection of property) and Article 8 (right to respect for private and family life).

DETAILS OF CONSULTATION

9. The statutory consultation has taken place.

BACKGROUND PAPERS

10. Burnley Borough Council Statement of Licensing Policy.
Licensing Act 2003.

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

FURTHER INFORMATION

PLEASE CONTACT:

John Yardley

ALSO:

Lisa Tempest

This page is intentionally left blank

Further to the application for the review of Blu Bar, Cow Lane, Burnley, I wish to report the following:

I am PS 3707 Gary Hennighan and I am the Lancashire Constabulary Licensing Officer for East Division, which includes the township of Burnley.

On 27th April 2018, an application was received to vary the DPS from Beverley Musso to Mark Jones – who, in effect, had been managing the premises for some time. Prior to this an application had been received to vary the DPS from Richard Stansfield to Beverley Musso on 26th February 2018.

The venue offers irresponsible drinks promotions which I suspect contribute to the number of incidents that take place at the premises. The club actively promotes a “Limitless” offer on social media between 1am and 4am where customers can drink unlimited premium alcohol for £10.

A Halloween drinks promotion was also offering a “massive 3litre bottle of Belvedere” up for grabs. Another post equated 3l of vodka to 120 individual shots.

In addition to this, the club actively promotes “Afterhours” with free entry and DBL up all night between 4am and 6am.

On the police Innkeeper system, there are 53 incidents reported to police since the start of 2018 which can be shown to be linked to Blu Bar. This is the highest proportion in the Burnley Borough area and the second highest in East division.

Police concerns can be perfectly highlighted between Friday, 5th October and Saturday 6th October when some key incidents became apparent.

Incident One

Log LC-20181005-0369 refers to a drugged female in Burnley Town Centre at 09.08am on Friday, 5th October 2018 who claimed she was locked in Blu Bar and was sexually assaulted. Several people were arrested in relation to this – including the DPS – but were released no charge as the female said it was made up.

However there are concerns here in that the female was clearly under the influence of alcohol/substances and was in a vulnerable position – with welfare needs seemingly not addressed by staff at the club prior to her leaving. This is the second such incident since July where the welfare of vulnerable females at the club is a concern – see also Lc-20180722-0406

A 17-year-old male was one of the people arrested on 5th October and was working at the club as a promoter. The age of this male concerns me as he was working at a late night licensed premise and, unfortunately, was arrested due to a serious allegation made. I have spoken to his mother who is unsure whether he still works there but he does leave home every Friday/Saturday night and returns the next day at various times.

The CID investigation involved monitoring CCTV cameras at the club which revealed some concerning points from DC 4166 Vernon and DC 3568 Richardson:

1. A fight breaking out near the main entrance inside the club at around 6am involving a number of people.
2. Another fight breaking out near the entrance inside around 06.45am,
3. Drug-related activity throughout near the toilets. A male is hanging around outside throughout the whole time who keeps entering toilets with male customers after a brief conversation. He is carrying a bag and “seems out of place”.
4. Regular visits by females into the male toilets and vice versa. The toilets appearing to be the busiest part of the club.
5. A number of visits by the DPS into the office area, accompanied by customers with drinks. At one point there are six people going into a small office space where there are no cameras.

The club reopened the following night after the various people arrested were released without charge. This led to:

Incident Two

Log LC-20181006-323 is an incident of police assault at around 0737hrs on Saturday, 6th October. A female calls stating 20 people fighting outside Blu Bar. Police attend and there are a number of males by the rear exit who have left the club. Two are fighting directly by the rear doors which are open and, when police intervene, one of the males elbows an officer in the face causing reddening and swelling. He is subsequently arrested and charged with police assault. This was initially reported by a member of public driving past who was sufficiently alarmed to contact police.

It should be noted that police can evidence a catalogue of incidents that can be associated to Blu Bar since the beginning of 2018. The vast majority of these incidents have occurred after 6am (when all other Town Centre licensed premises have closed) and with drunkenness usually playing a part.

A number of the reported incidents from this year are listed below to show that there are a consistent number of incidents most weekends. The date and time of the reported incident time shown by the reported incident is the time it was reported to police and indicates the obvious increase in incidents after 6am when the rest of Burnley's night time has ended.

Two assaults have also led to serious injuries in the last three months – namely two broken jaws.

The breakdown of incident types since the start of 2018 is as follows:

MURDER - 1
PUBLIC ORDER – 23
ASSAULT – 11
VULNERABILITY – 5
POLICE ASSAULT/PUBLIC ORDER – 2
ASSAULT/AFFRAY – 1
ASSAULT/DRUGS – 1

These are as follows, in chronological order:

Police Reference	Date of incident	Time of incident	
Lc-20180121-0263	21/01/2017	05:24	PUBLIC ORDER - Fight ongoing outside nightclub, dispersing upon police arrival.
LC-20180218-0304	18/02/18	05:41	PUBLIC ORDER – CCTV reporting fight outside Blu Bar.
Lc-20180310-0282	10/03/2018	06:55	PUBLIC ORDER – Report from CCTV of males fighting outside premises which stopped but then a repeat call and police attended. A male was identified as having been assaulted but would not give any details.
Lc-20180317-0345	18/03/2018	08:30	Distressed female requesting police attendance at Blu Bar. Six intoxicated people leaving premises.
Lc-20180318-0348/0346	18/03/2018	06:46	ASSAULT/AFFRAY – Informant reporting assault where a fight has started inside the premise where punches, kicks and bottles are used. Duplicate log stating 50 fighting in the street. Although initial confusion about assault taking place at Mode, crime report clarifies Blu Bar. Staff told police they couldn't operate CCTV to show police.
Lc-20180324-0280	24/03/2018	06:11	ASSAULT – Male contacts police stating he has been assaulted, along with friend – who has broken nose. Offenders arguing with bouncers. Although this was at the taxi rank across from Blu Bar, the offenders left the club, punched kicked males to the ground before returning to Blu Bar. Two males arrested and charged. One of victims had suspected broken nose, the other facial injuries including footwear mark.
Lc-20180401-0324	01/04/2018	06:39	

PUBLIC ORDER – From CCTV, a male arguing then throwing punches at door staff. Other males join in and start fighting. One of the males named was charged for the above assault.

LC-20180407-0309 07/04/2018 06:50
PUBLIC ORDER – CCTV reporting arguing outside Blu Bar.

Lc-20180415-0351 15/04/2018 07:10
PUBLIC ORDER – CCTV reporting males outside Blu Bar with shirts off, a female on the floor, a male being aggressive towards a female and some pushing and shoving.

Lc-20180421-0290 21/04/2018 05:20
PUBLIC ORDER – CCTV reporting male has removed top and is kicking door of Blu Bar and a female arguing with a male with no top on.

LC-20180421-0387 21/04/18 08:46
PUBLIC ORDER – Female who is going shopping reporting drunken youths all over Cow Lane, described as “intimidating”. Group spoken to by police who had just left Blu Bar.

Lc-20180422-0396 22/04/2018 07:46
ASSAULT – CCTV reporting male being attacked outside Blu Bar in doorway of club by two males who have kicked and punched him.

Lc-20180428-0307 28/04/2018 07:05
PUBLIC ORDER – CCTV reporting two males being kept apart by door staff and two females.

LC-20180513-0441 13/05/18 09:16
PUBLIC ORDER – Ambulance attending unconscious male outside Blu Bar and around 15-20 males fighting upon leaving Blu Bar. Female also urinating next to car while waiting for taxi.

Lc-20180515-0207 15/05/2018 02:00
ASSAULT – Male reporting he was outside Blu Bar when he was punched repeatedly by three males and struck with a glass bottle and believes he was knocked unconscious.

Lc-20180519-0520 19/05/2018 10:19
ASSAULT – Male leaving Blu Bar and is punched in face. Steri-stitching needed as large cut under eye. Crime report confirms victim was leaving Blu Bar and was attacked by male on Cow Lane who he walked past smoking in the doorway.

Lc-20180602-0348 02/06/18 05:35
PUBLIC ORDER – Report from AA Taxis of male kicking doors and two females being aggressive. CCTV confirm they came from Blu Bar.

Lc-20180603-0515 03/06/2018 09:15
ASSAULT – Male assaulted outside Blu Bar with serious bleeding to back of head. Mark Jones closed doors around 9am and around 20 people outside. JONES admitted to officers having drunk a bottle of Prosecco.

Lc-20180609-0325 10/06/2018 06:03
ASSAULT – Report from ambulance of male assaulted outside with serious bleeding from head and initially unconscious. Two males arrested and charged. One of males also in possession of four bags of cocaine. Medical report on aggrieved reveals he had been drinking and cocaine found in bloodstream. CCTV obtained by police.

LC-20180616-0346 16/06/18 05:26
PUBLIC ORDER – Report of people fighting on street near Blu Bar. CCTV reporting male with phone having hit a couple of people.

Lc-20180623-0346 23/06/2018 07:17
PUBLIC ORDER – Two females arrested D&D outside Blu Bar after arguing with door staff.

Lc-20180701-0418 01/07/2018 06:24
PUBLIC ORDER – CCTV reporting males squaring up to door staff at Blu Bar.

LC-20180701-0496 01/07/18 08:48
PUBLIC ORDER – Female in company with pregnant daughter-in-law on car park next to Blu Bar stating males punching her car drunk after following from rear of club. Statement provided.

Lc-20180708-0409 08/07/2018 06:26
PUBLIC ORDER – Report of fight outside Blu Bar.

LC-20180714-0409 14/07/18 08:20
PUBLIC ORDER – AA Taxis reporting six people leaving Blu Bar and starting a fight outside.

Lc-20180721-0380 21/07/2018 08:21
ASSAULT – CCTV reporting 10 people squaring up outside Blu Bar, male with cut eye thrown to the floor.

Lc-20180722-0406 22/07/2018 06:39
SUS CIRCS – Female reporting she is at Blu Bar and people won't let her leave.

Lc-20180808-0594 05/08/18 04:00
ASSAULT - Male assaulted suffering broken jaw at Blu Bar.

Lc-20180812-0358 12/08/2018 06:12
POLICE ASSAULT/PUBLIC ORDER – Report of fight in car park adjacent to Blu Bar. Three males arrested. All bailed for public order offences. One for police assault.

INTELLIGENCE

B21 INTEL BLU BAR COW LANE BURNLEY ALLOWED ENTRY TO A 16 YEAR OLD FEMALE FOR THE WHOLE EVENING SHE WAS CALLED XXXXXX AND SHE IS JUST 16 YEARS OF AGE WITH A DOB OF 14/02/02 - HER PICTURE WAS TAKEN INSIDE THE VENUE BY THE OFFICIAL PHOTOGRAPHER AND THIS WAS POSTED ON THE BLU BAR OFFICIAL FACEBOOK PAGE - THE BLU BAR WAS THE ONLY VENUE THEY COULD GET INTO IN BURNLEY AND THEY STOPPED THERE WELL INTO THE EARLY MORNING HOURS - IT IS NOT KNOWN IF SHE BOUGHT THE DRINKS AT THE BAR HERSELF OR IF THEY WERE BOUGHT BY ANOTHER. SHE WAS HOWEVER HEAVILY INTOXICATED THROUGH ALCOHOL WHEN SHE ARRIVED HOME. AN EXAMINATION OF THEIR FACEBOOK PAGE SHOWS A MIXTURE OF CUSTOMERS BUT MANY OF THEM APPEAR TO BE YOUNG AND AROUND 18 YEARS OF AGE SO IT IS NOT BELIEVED THE CLUB IS CHECKING AND DOING PROPER ID VERIFICATION OF AGE – PICTURE OBTAINED.

LC-20180908-0331 08/09/18 07:07
PUBLIC ORDER – CCTV reporting fight outside Blu Bar with 20 people involved.

Lc-20180916-0204/0630 of 17th 16/09/18 03:23
ASSAULT – Male reporting broken jaw from punch inside Blu Bar. Claims this is from bouncer called “PAPA” after being put in headlock and uppercutted repeatedly. Male in hospital for a period of time.

Lc-20180923-0406 23/09/2018 08:53
ASSAULT – Female reporting bouncers have hit her and friend at Blu Bar.

LC-20181013-0348 13/10/18 07:28
ASSAULT – Manager Darren TAYLOR reporting being punched by at the bar before being bitten on left cheek for 45 seconds, causing deep lacerations. Male arrested for S18 GBH and bailed.

LC-20181014-0391 14/10/18 06:04
PUBLIC ORDER – Call received stating 30 people fighting outside Blu Bar.

LC-20181020-0386 20/10/18 08:02
PUBLIC ORDER – Call received of people fighting outside Blu Bar. Police arrive to find 20-30 intoxicated people claiming all sorts going on but nothing substantive. Around 30 still inside venue. X-ref log is from a 17-year-old girl claiming her phone and keys stolen in the club so another age check issue.

21/10/18 11:00

VULNERABILITY – PC 4565 HAWORTH finds highly intoxicated female walking along BURNHAM GATE with no shoes on. Officer takes female home who states she had been in Blu Bar since 3am and it was still serving at 11am when she had just left. Described as a “lock-in” with around 20 people still there.

LC-20181027-0363 27/10/18 07:00

MURDER – Slovakian male is hit by knuckleduster on HAMMERTON ST before being kicked in the head and falling unconscious and falling into coma. Life support switched off. Three arrested and one charged. CCTV shows offender and two friends leaving Blu Bar at around 7am. Two fellow defendants who were not charged admitted on interview to being intoxicated and taking cocaine all night. This is concerning as it is apparent that weapons and drugs have been in the club.

LC-20181028-0487 28/10/18 07:10

ASSAULT - Male reports being assaulted by punching several times causing cuts to lip and swollen eyes as leaving Blu Bar. Two males arrested and bailed. One of the males is 17 and was in possession of cocaine. All parties had been in Blu Bar prior to incident according to interview as the offenders stated they witnessed the victim hassling women inside the club.

02/11/18

VULNERABILITY – Call to council from female stating that her son attended party for U18s at Blu Bar, came home at 0015hrs very drunk and youngsters were being served alcohol without any ID request.

LC-20181104-0412 4/11/18 07:56

PUBLIC ORDER – CCTV reporting mass fight outside Blu Bar. All quiet in police arrival.

LC-20181110-0335 10/11/18 07:48

PUBLIC ORDER – Unknown male calls stating 30 drunk people on street outside Blu Bar and some started climbing on his car as he passed. Around 35 still in bar at 08:13

LC-20181111-0405 11/11/18 08:24

PUBLIC ORDER – Informant calls police stating large group of people fighting outside bar, namely 20-30 at back entrance.

This is the breakdown for timescales that these incidents have occurred:

Earlier – 1 incident

0200-0400 – 2

0400-0600 – 6

0600-0800 – 22

0800-1030 – 12

The vast majority have occurred after 0600 when all other licensed premises have ceased trading in the town. Mode nightclub stops serving alcohol at 0600, Genesis has an 8am licence but rarely opens this late – usually trading until 0400/0500. Projekt, Panamas and Bees Knees have 6am licences but rarely open until this time, while Remedy and Illuminati have 5am licences.

Sanctuary Rock Bar also has a 24-hour licence but does not utilise this. The Cork House has an 8am alcohol licence but does not use this. Both these premises are owned by the Musso family.

In addition, there are 13 incidents at AA Taxis, which is opposite the rear doors of Blu Bar, where people leave the club which involve drunken public order between 05:00 and 10:00.

Mark Jones should be under no illusions about the expectations around promoting the licensing objectives. He was met by PS Jason Middleton, previous licensing Sergeant, on 4/5/18, with the meeting being recorded as: NEW DPS MEETING HELD WITH MARK JONES AT BURNLEY CPO. THIS WAS AS A RESULT OF A RECENT VARIATION PUTTING MARK IN HAS THE DPS AFTER HE'S JUST GOT HIS PERSONAL LICENCE. HE'S ACTUALLY BEEN RUNNING THE PREMISES FOR A WHILE NOW. MEETING WAS TO DISCUSS HIS INCREASED ROLES & RESPONSIBILITIES AT THE PREMISES NOW HE WAS THE DPS. HE'S AWARE OF HIS PREMISE LICENCE AND THE CONDITIONS ATTACHED TO IT AND CONSEQUENCES OF NOT ADHERING TO IT. ALSO DISCUSSED PREVIOUS ISSUES WITH THE

PREMISES AND THE MAIN FACTORS THAT THE POLICE ASK PREMISES TO FOCUS ON. HE WAS HANDED A NEW DPS REMINDER LETTER AS WELL AS NUMEROUS BOOKLETS AND POSTERS THAT SHOULD HELP HIM CARRYOUT HIS ROLE. MENTIONED REDUCING THE HOURS AT THE PREMISES WHICH HE SAID HE WOULD CONSIDER LONG TERM BUT WOULD DEPEND ON WHAT OTHER PREMISES INTEND TO DO.

Prior to this PS MIDDLETON spoke with Mark Jones at the premises on the following occasions:

25/03/2018 07:15

VISIT TO PREMISES AND SPOKE TO MARK JONES. PREMISES WAS RELATIVELY BUSY WITH MUSIC NOT THAT LOUD AND CUSTOMERS OBVIOUSLY DRINKING FROM PLASTIC GLASSES. GOT BUSIER AS I WAS LEAVING AS IT WAS APPARENT THAT MODE HAD STARTED CLOSING AND CUSTOMERS WERE HEADING TO BLU BAR. JONES WAS KEEN TO SHOW ME HIS NEW IMPROVED CCTV BUT THE OFFICE DOOR WAS LOCKED AND THE PREMISES WAS GETTING BUSY SO INFORMED HIM WE WOULD CHECK IT DURING THE WEEK. A COUPLE OF DOOR STAFF HAD TO BE ADVISED TO WEAR THEIR SIA LICENCES. ** JONES NEEDS TO BE FURTHER ADVISED OF THIS AND COULD DO WITH LIST OF HIS DOOR STAFF TO MAKE SURE THEY ARE WHO THEY SAY THEY ARE. **

13/03/2018 14:20

VISITED PREMISES AND SPOKE TO DPS BEV MUSSO AND HER SON XX AND ALSO PRESENT WAS THE PERSON WHO WAS RUNNING THE BLU BAR MARK JONES XX XX XX - WAS TOLD HE OPERATED AT WEEKENDS AND WAS TRADING FROM EARLY HOURS UP TO 9.30 AM OR THEREABOUTS AND HE CHARGED ADMISSION FOR ENTRY BUT WAS SELECTIVE IN WHO HE LET IN. CHECKED CCTV WHICH WAS RECORDING AND HAD AT LEAST 18 DAYS PLAY BACK BUT THE MONITOR WAS VERY RED AND THE TIME AND DATE WERE INCORRECT SO GAVE HIM A WEEK TO SORT AND I WILL ARRANGE A REVISIT TO MAKE SURE THIS HAD BEEN DONE, THE CCTV SYSTEM DID COMPLY WITH THE PREMISES LICENCE CONDITION. JONES WAS GOING ON HIS PERSONAL LICENCE COURSE THEN WOULD APPLY FOR A PERSONAL LICENCE WITH BURNLEY AND THEN TAKE OVER AS DPS FROM BEV. LEFT CONTACT DETAILS AND REASSURED THEM THAT POLICE WOULD ASSIST WITH VISITS WHEN IN THE AREA - ALL WERE KEEN TO WORK WITH THE POLICE TO MAKE THINGS WORK

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of

URN

--	--	--	--

Age if under 18 **O 18** (if over 18 insert "over 18"). Occupation **Licensing & Compliance Officer**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Dated the **8th** day of **November 2018**

Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature

I currently work as a Licensing & Compliance Officer for Burnley, Borough Council, a post that I took up on the 1st November 2018.

Prior to that date I was a Police Licensing Officer with the Lancashire Constabulary, this is a Police Staff post and I was based at Burnley police Station working primarily with people and premises in the Burnley, Pendle and Rossendale council areas. I took up this post in January 2017, leaving that job at the end of October 2018 to take up the role in Burnley Council Licensing.

As part of my duties as a Police Licensing Officer I looked at incidents relating to licensed premises, also I linked in with Premises Licence Holders, Personal Licence Holders, owners, landlords, area managers and Designated Premises Supervisors.

As part of my routine duties I recorded on the police IT system called 'inn keeper' records of interactions and visits, as well as imputing adverse incidents, crimes and intelligence relating to specific premises that held a Premises Licence.

From the Innkeeper system I have added the below entries in relation to the Blu Bar, Cow Lane Burnley.

Date and Time 13/03/2018 14:20 - Planned visit

Description VISITED PREMISES AND SPOKE TO DPS BEV MUSSO AND HER SON XX AND ALSO PRESENT WAS THE PERSON WHO WAS RUNNING THE BLU BAR MARK JONES XX- WAS TOLD HE OPERATED AT WEEKENDS AND WAS TRADING FROM EARLY HOURS UP TO 9.30 AM OR THEREABOUTS AND HE CHARGED ADMISSION FOR ENTRY BUT WAS SELECTIVE IN WHO HE LET IN. CHECKED CCTV WHICH WAS RECORDING AND HAD AT LEAST 18 DAYS PLAY BACK BUT THE MONITOR WAS VERY RED AND THE TIME AND DATE WERE INCORRECT SO GAVE HIM A WEEK TO SORT AND I WILL ARRANGE A REVISIT TO MAKE SURE THIS HAD BEEN DONE, THE CCTV SYSTEM DID COMPLY WITH THE PREMISES LICENCE CONDITION. JONES WAS GOING ON HIS PERSONAL LICENCE COURSE THEN WOULD APPLY FOR A PERSONAL LICENCE WITH BURNLEY AND THEN TAKE OVER AS DPS FROM BEV. LEFT CONTACT DETAILS AND REASSURED THEM THAT POLICE WOULD ASSIST WITH VISITS WHEN IN THE AREA - ALL WERE KEEN TO WORK WITH THE POLICE TO MAKE THINGS WORK

Date and Time 17/03/2018 07:20 DISCREET OBSERVATION

Description PARKED UP OUTSIDE AND PREMISES WAS OPEN WITH DOOR STAFF DISPLAYING ID PRESENT AT DOOR, A FEW PEOPLE OUTSIDE AND NO ISSUES WHATSOEVER

Signature **Error! Reference source not found.** Signature witnessed by

Date and Time 20/03/2018 10:00 Reference EMAIL CONVERSATION

Description MADE DPS AWARE OF ADVERSE INCIDENT AND CCTV ISSUES OVER WEEKEND - SHE MENTIONED SHE WAS NOT AWARE OF EITHER AND WILL SPEAK WITH THE MANAGER MARK JONES AND GET BACK TO US

Date and Time 20/03/2018 10:35 TEL CALL

Description MARK JONES RANG OFFICE NUMBER - CONFIRMED POLICE TOOK HIS CCTV BASE UNIT AND HE SAID THE INCIDENT AT WEEKEND HAPPENED AFTER HE EJECTED PEOPLE SO NOT INSIDE. HE IS GETTING OPUS THIS WEEK TO FIT A NEW CCTV BASE UNIT SO THE CAMERAS ETC WILL BE INSTALLED AND WILL BE WORKING FOR WHEN HE OPENS THIS FRI NIGHT - HE ALSO IS GETTING THEM TO FIT 16 CAMERAS IN TOTAL AND PUT IN A MONITOR IN THE ENTRANCE SO PUBLIC CAN SEE IT AND ALSO ONE IN HIS CASH OFFICE AS WELL AS THE OFFICE WHERE THE CCTV BASE UNIT IS BUT THIS WILL TAKE UP TO 2 WEEKS TO DO - I REITERATED THAT WE DO NOT WANT ANY MORE INCIDENTS OR FIGHTS AND THAT HE SAID HE WILL BAN PEOPLE THAT HE KNOWS WHO ARE POSSIBLY TROUBLE MAKERS

Date and Time 25/09/2018 12:30 Announced VISIT

Description MET DPS AT PREMISES BY APPOINTMENT AND SHOWN ROUND, SOME IMPROVEMENTS TO TOILET AREAS, DISCUSSED AND GAVE ADVICE RE SMOKING AREAS AND ALSO THE FACT HE NEEDED MORE CAMERAS, ESPECIALLY ON THE MAIN DOOR OUTSIDE, ALSO DISCUSSED UPCOMING PRIVATE PARTY BOOKINGS - TOLD HIM ABOUT RECENT ADVERSE INCIDENTS AND THAT THE PREMISES WILL BE MONITORED AND ALSO CHECKED CCTV WHICH WAS WORKING AND RECORDING THE REQUISTE NUMBER OF DAYS. AGREED WE WOULD MEET HIM AGAIN IN ABOUT A MONTHS TIME BY WHICH TIME HE WIL HAVE MADE SOME IMPROVEMENTS TO OUTSIDE AREA, INSTALLED CCTV CAMERA FOR OUTSIDE. ALSO PROVIDED POSTERS RE DRUGS / CCTV AND HE SAID THESE WOULD BE USED.

This page is intentionally left blank

LIMITLESS ALL INCLUSIVE
1AM - 4AM
LIMITLESS £10 // STANDARD ENTRY £2
AFTERHOURS
FREE ENTRY + DBL UP ALL NIGHT
WITH ANY STAMP/BAND [4AM - 6AM]

OCT 27TH DOORS OPEN 1^{AM}

HALLOWEEN

LIMITLESS

AFTERHOURS



DID YOU KNOW
3 LITRES

IS THE SAME AS

120 SHOTS

OF PREMIUM VODKA

JOIN US THIS HALLOWEEN

MASSIVE 3L BELVEDERE GIVEAWAY

T&CS APPLY. PLEASE DRINK RESPONSIBLY. LIMITLESS 1AM - 4AM. LAST ENTRY 7AM



BURNLEY BOROUGH COUNCIL

LICENSING ACT 2003

THE CONDUCT OF HEARINGS

1. Application

- 1.1 All hearings subject to the Licensing Act 2003 (Hearings Regulations) 2005 will be held in accordance with this procedure. Schedule 1 details the hearing which are subject to this procedure.

2. Time of Hearing

- 2.1 Hearings will commence within the times illustrated in Column 2 of Schedule 1, and where the hearing is scheduled to take place on more than one day, it will take place on consecutive working days.
- 2.2 Hearings will normally take place from 2-5pm or 6-9pm on the day of the hearing, but hearings may take place at the discretion of the Committee or Sub-Committee appointed to hear the matter in exceptional circumstances.

3. Members of the Committee or Sub-Committee

- 3.1 Where the full Licensing Committee sit to hear an application, the full Committee will sit, excluding a member who:
- a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
 - b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated

c) has become an interested party by representing the applicant or any interested party prior to the hearing.

3.2 Where a Sub-Committee sit to hear an application, it will consist of 3 members of the full Committee and will exclude a member who:

- a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
- b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated
- c) has become an interested party by representing the applicant or any interested party prior to the hearing.

3.3 Members will act in accordance with the Licensing Act 2003, be aware of the Local Authority Co-ordinators of Regulatory Services Guidance on the Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003 and the requirements of the Standards Board for England and Wales.

4. Opening of a Hearing and Identifying Parties to the Hearing

4.1 The Chair of the Committee or Sub-Committee will introduce the members of the Committee or Sub-Committee.

4.2 The Licensing Manager or Legal Advisor will advise the Committee or Sub-Committee but will not make recommendations or be part of the determination process. They will not retire with the Committee or Sub-Committee members for the purposes of a determination but the Legal Advisor may be asked by the Committee or Sub-Committee to give advice.

4.3 At the commencement of proceedings the Legal Advisor will identify in turn, each party to the hearing who is present, and in relation to that party, whether they are represented, and if so, by whom.

4.4 The Legal Advisor will identify in turn each party to the hearing who is not present at the hearing and in relation to that party will clarify;

a) whether there is evidence that they were given Notice of the Hearing

- b) whether that party has given notice that they intend to attend or be represented
 - c) whether that party has given notice that they consider a hearing to be unnecessary
 - d) whether that party has given notice that they wish to withdraw their representation
- 4.5 Where a party has given notice that they do not intend to attend or be represented, the Committee or Sub-Committee will state whether they intend to proceed in the absence of that party.
- 4.6 Where a party has not given such notice and has failed to attend or be represented, the Committee or Sub-Committee will then decide whether it is necessary in the public interest to adjourn the hearing to a specified date or hold the hearing in the party's absence. The Committee or Sub-Committee may invite representations from the other parties present on this issue before making their decision.
- 4.7 The Committee or Sub-Committee, should it decide to proceed must subsequently consider the application, representation or notice made by a party who does not attend, attaching the appropriate weight of evidence to it.

5. Hearings to be held in public

- 5.1 Unless the Committee determine otherwise following consideration of representations, if any, from the parties present, the hearing shall take place in public. A member of the public, unless a party to the hearing or a person granted permission to address the hearing by the Committee or Sub-Committee at the request of one of the parties, shall not be entitled to address the hearing.
- 5.2 Where representations are made under 5.1 above, such parts or the hearing as the Committee or Sub-Committee in their absolute discretion determine shall be held in private.
- 5.3 The decision at paragraph 5.2 and the reasons for it will be given in public, and the Committee or Sub-Committee will also state whether any party or any persons assisting or representing a party are to be treated as a member of the public for this purpose.

6. Commencement of the Hearing

- 6.1 The Legal Advisor will explain the procedures that the Committee or Sub-Committee will follow at the hearing. In particular the Legal Advisor will clarify that;:
- a) the hearing will take the form of a discussion led by the Committee or Sub-Committee and cross-examination will not be permitted unless the Committee or Sub-Committee considers that cross examination is required for it to consider the representations, application or notice as the case may require.
 - b) Members of the Committee or Sub-Committee may ask a question of any party or other person appearing at the hearing.
 - c) Members of the Committee or Sub-Committee may take into account documentary or other information produced to the authority before the hearing in support of their application, representation or notice. These will have been provided to the Committee or Sub-Committee members by the Licensing Manager prior to the meeting and the substantive content of the documents need not be repeated verbally at the hearing.
 - d) Members of the Committee or Sub-Committee may take into account any new documentary or other information produced to the authority on the day of the hearing with the content of all other parties (if any) and the substantive content of any such documents need not be repeated verbally at the hearing.
 - e) Parties will be allowed a maximum equal period to exercise their rights, such period to be determined by the Committee or Sub-Committee.
 - f) Parties will be allowed to clarify points upon which they wish to support their application.
 - g) Parties may seek permission to question any other party subject to Paragraph a) above.
 - h) Parties may seek permission to address the Committee or Sub-Committee.

7. Procedure

- 7.1 The Licensing Manager or other appointed officer of the Licensing Authority are not a party to the hearing. The Manager will outline the facts of the application and relevant representations received from parties.

- 7.2 The Licensing Manager will then outline the legislation under which a determination is required.
- 7.3 The Licensing Manager will outline;
- a) Relevant parts of the Act
 - b) Relevant subordinate legislation
 - c) Relevant sections from the statutory guidance made under Section 182 of the Act
 - d) Relevant paragraphs of the Statement of Licensing Policy made under Section 5 of the Act.
 - e) The time limit which the Committee or Sub-Committee must make a determination under the law.
- 7.4 Each party to the hearing present will then in turn provide information supporting or clarifying of their representations – commencing with the Responsible Authorities, followed by any interested party and then the applicant.
- 7.5 The Committee or Sub-Committee may advise all the parties of details of representations they have received from parties not present.
- 7.6 Thereafter each party, commencing with the Responsible Authorities, followed by any interested party and finally the Applicant, will be given an opportunity to summarise their representations. No new evidence will be allowed to be introduced by any party during the course of any such summation.
- 7.7 The Committee or Sub-Committee will disregard any information given by a party or any other person to whom permission to appear at the hearing has been given which is no relevant to;
- a) Their application, representation or notice or in the case of another person, the application, representation or notice of the party requesting their appearance, and
 - b) the promotion of the Licensing Objectives or in the case of a hearing to consider a notice given by a chief officer of the police, the crime prevention objective only.
- 7.8 The Committee or Sub-Committee will satisfy themselves that they have heard all the relevant information and retire to make their decision in private.

8. Persons behaving in a disruptive manner

- 8.1 The Committee or Sub-Committee may require any person attending the, hearing who in their opinion are behaving in a disruptive manner to leave the hearing and may;

- a) refuse to permit that person to return, or
- b) permit them to return only on such conditions as the Committee or Sub-Committee may specify

but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

9. Adjournment of Hearing

- 9.1 The Committee or Sub-Committee may adjourn a hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this necessary to consider any representations or notice made by a party.
- 9.2 It will not adjourn a hearing in such a way to create an effect on the requirements of granting or rejecting an application under Schedule 8 of the Act or a review under Section 167 of the Act.

10. Determinations

- 10.1 The Committee or Sub-Committee will make its determination at the conclusion of the hearing but in certain circumstances may make a determination within a period of 5 working days of the last day of the hearing.

11. Notice of Determination

- 11.1 The Licensing Manager will issue a notice of determination forthwith to all parties. Such notice will include the reasons for the determination and details of the right of any party to appeal against the decision.

12. Record of Proceedings

- 12.1 The Democracy Team Officer will provide for a record of the hearing to be taken in a permanent and intelligible form and kept for 6 years from the date of determination.

SCHEDULE 1

Column 1		Column 2
Provision under which hearing is held.		Period of time which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises license)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c)
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 39(3)(a) (determination of application to vary premises license).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises license to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5)
5.	Section 44(5)(a) (determination of application for transfer of premises license).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6)
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2)
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c)
9.	Section 85(3) (determination of application to vary club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4)
10.	Section 88(2) (determination of an application for review of club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c)
11.	Section 105(2)(a) (counter notice following police	7 working days beginning with the day after the end of the period within which a chief

	objection to temporary event notice)	officer of police may give a notice under section 104(2)
12.	Section 120(7)(a) (determination of application for grant of personal licence)	20 working days beginning with the day after the end of the period during which the chief officer of police may give a notice under section 120(5)
13.	Section 121(6)(a) (determination of application for the renewal of personal licence)	20 working days beginning with the day after the end of the period during which the chief officer of police may give a notice under section 121(3)
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence)	20 working days beginning with the day after the end of the period during which the chief officer of police may give a notice under section 124(3)
15.	Section 167(5)(a) (review of premises licence following closure order)	10 working days beginning with the day after the day the relevant licensing authority received the notice given under section 165(4)
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 25(2) of Schedule 8