

From: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Sent: 09 August 2022 09:29

To: [REDACTED]; GMP Licensing

<centrallicensing@gmp.police.uk>

Subject: Notice of hearing decision and interim steps to be taken following summary review 278841/HH1

Dear Sir / Madam

The Licensing Act 2003 (Summary Review of Premises licences) Regulations 2007

Notice of decision re interim steps to be taken with regard to the Summary Review of a Premises Licence.

Following consideration by the Licensing Sub-committee on 08/08/2022, I write to formally advise you of the sub-committee's decision regarding:

Burnage Cricket & Social Club
Mauldeth Road
Manchester
M19 1AB

Decision:

Suspend the Premises Licence pending the outcome of the final review hearing to be held on the 31st of August 2022. The Suspension will take effect from the 10th of August 2022 in accordance with s53B(5)(a) of the Licensing Act 2003
Evidence of GMP

The Committee heard evidence from GMP which revealed that on the 4th of August 2022 a search warrant was executed at the premises following the recovery of stolen vehicles at the site during July, one of which was taken during the course of an aggravated burglary.

Upon executing the warrant officers recovered from the grounds and outbuildings the following:

Motorcycles and sets of keys from vehicles believed to have been taken by means of burglaries, documentation from vehicles, cannabis, digital scales and other drugs paraphernalia, a samurai sword, lock knife, an axe, pair of knuckle dusters and pornographic films.

Investigations are currently ongoing by GMP to pursue serious offences that are believed to have been committed.

GMP stated that it was their opinion that the premises were being used as a base for organised criminals and that it was alarming that the items seized were found in the

grounds and buildings of the premises and that children were often observed on the premises for functions and could easily encounter such items. GMP requested that the Committee suspend the premises licence pending the full hearing.

Evidence of Premises Licence Holder

The PLH disputed the evidence of GMP and advised Committee that he had sought to work closely with GMP to assist crime reduction in the locality of the premises. He acknowledged that the property where the warrant was executed [REDACTED] [REDACTED] [REDACTED] was his property but stated that he had let the property to [REDACTED] [REDACTED]. He explained that he lived in Spain and had sought to sell land adjacent to the Premises but maintained that he was in full control of the premises.

He recognised that there had been anti-social behaviour issues prevalent in the area and had always sought to assist GMP with their enquiries.

He maintained that the items that were seized, following the execution of the warrant, were not attributable to the premises, it's employees or himself.

He stated that he should not be considered responsible for the actions of others, including [REDACTED] [REDACTED] who were arrested when GMP seized items that were thought to be involved in serious offences.

Furthermore, he argued that he had access to CCTV footage of cameras that were located inside the premises and that he was able to effectively manage the premises whilst living abroad.

Reasons

The Committee considered all the written representations and those made at the hearing.

It was concerned to note that the Premises Licence holder did not understand what the four licensing objectives were or that he did not realise that he had been the PLH since 2015. This gave the committee cause for concern that the PLH would be not be capable of upholding the licensing objectives.

The Committee was also perplexed that there had been 3 variations of the DPS within 12 months and that during such time the PLH believed he only held the position of DPS and not PLH.

As regards the seizure of drugs and knives from the PLHs property the Committee was extremely concerned that such activity was being carried out near to the licensed premises.

Whilst the PLH maintained that he could effectively control and manage the premises from Spain, the Committee did not accept this.

An example of this is that the PLH stated that he controlled who had access to the CCTV footage but by restricting others, most notably the DPS, the Committee felt that he was breaching the conditions of his licence and the requirement to make such footage available, if requested by the Responsible Authorities.

Furthermore, the PLH accepted that a steel container from which items were seized by GMP belonged to him and this concerned the Committee.

In addition, the Committee was concerned about the arrests that were made at the property [REDACTED] or possession of certain items believed to be involved in serious crime, a property owned by the PLH.

It also noted that the address on licensing records of the PLH was [REDACTED] and that he was now residing in Spain but had failed to notify the change of address to the Licensing Authority.

The Committee noted the comments of GMP that there was historic and ongoing criminal activity attached to the premises.

In conclusion, it had no confidence that the PLH was capable of upholding the licensing objectives or complying with conditions on its licence and consequently the Committee made the decision to suspend the premises licence pending the full review.

On hearing representations from the Premises Licence Holder that a funeral wake had been arranged to take place at the premises on the 9th of August 2022 the Committee agreed to delay the suspension taking effect until the 10th of August 2022.

For the purpose of Section 53B(5)(b) of the Licensing Act 2003 immediate notice of this decision was given orally to GMP and the PLH at the interim steps review hearing.

In reaching its decision the Committee have also considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Guidance issued by the Secretary of state under Section 182 of the Act and the licensing objectives.

The premises licence holder has a right to make representations against the decision. There is no time limit for representations to be made though please note that the full review hearing will take place before 02/09/2022. On receipt of any representation the licensing authority must hold a hearing within 48 hours of receipt.

Should you require any further information, please reply to this email.

Yours faithfully

[REDACTED]

Premises Licensing Team