

AGENDA ITEM NO.

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 18th March 2024
Report for: Decision
Report of: Head of Regulatory Services

Report Title

**REVIEW OF PREMISES LICENCE FOLLOWING S.80 CLOSURE ORDER -
RAILWAY INN, 153 MANCHESTER ROAD, ALTRINCHAM WA14 5NT**

Summary

This report details a review pursuant to s.167 of the Licensing Act 2003 in respect of the premises licence held by Mrs Rebecca Ellis for the Railway Inn, 153 Manchester Road, Altrincham following a Closure Order granted by Manchester Magistrates' Court on the 21st February 2024 under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

Recommendation(s)

The Sub-committee must consider the Closure Order and any relevant representations and take such of the steps mentioned in section 167 subsection (6) of the Licensing Act 2003 (if any) as it considers necessary for the promotion of the licensing objectives.

Those steps are—

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

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

The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three

months.

The Sub-Committee also have the option to take no further action or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

Contact person for access to background papers and further information:

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1. LEGAL IMPLICATIONS

- 1.1 Under section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014, a police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds:
 - (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or
 - (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.
- 1.2 A closure notice is a notice prohibiting access to the premises for a period specified in the notice. The maximum period is 48 hours.
- 1.3 Whenever a closure notice is issued an application can be made under Section 80 of the 2014 Act to a magistrates' court for a closure order to extend the closure. An application for a closure order must be made:
 - a) by a constable if the closure notice was issued by a police officer; or
 - b) by the authority that issued the closure notice if the notice was issued by a local authority.
- 1.4 The application must be heard by the magistrates' court not later than 48 hours after service of the closure notice. In this case, the matter was initially heard at Manchester Magistrates' Court on the 15th February 2024 and adjourned until 21st February 2024.
- 1.5 The court may make a closure order if it is satisfied:
 - a) That a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
 - b) That the use of the premises has resulted, or (if the order is not made) is likely to result in, serious nuisance to members of the public, or
 - c) That there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is

necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring

- 1.6 A closure order is an order prohibiting access to the premises for a period specified in the order. That period may not exceed 3 months. A closure order may prohibit access:
- a) by all persons, or by all persons except those specified, or by all persons except those of a specified description;
 - b) at all times, or at all times except those specified;
 - c) in all circumstances, or in all circumstances except those specified.
- 1.7 A closure order:
- a) may be made in respect of the whole or any part of the premises;
 - b) may include provision about access to a part of the building or structure of which the premises form part.
- 1.8 Once the licensing authority has received notification from the court that a closure order has been made, it must reach a determination on a review of the premises licence no later than 28 days after the day on which it receives the notice.

2. BACKGROUND

- 2.1 The Railway Inn is a free house operated by Rebecca Ellis, who is both the premises licence holder and Designated Premises Supervisor (DPS).
- 2.2 The premises has been licensed under the Licensing Act 2003 since 24th November 2005 and Rebecca Ellis became the premises licence holder and DPS on the 19th July 2021.
- 2.3 A copy of the current premises licence is attached as **Appendix A**.
- 2.4 Intelligence gathered by Greater Manchester Police and Trafford Council suggested that the Railway Inn was being used as a brothel, with sex workers being trafficked to the brothel.
- 2.5 At about 17:15 on the 13th February 2024 officers from Greater Manchester Police and Trafford Council attended at the premises with a search warrant obtained by the police. A sex worker was found on the premises who advised the police within a statement captured on body worn video that she had been trafficked to the premises.
- 2.6 Rebecca Ellis and Gerald Ellis were arrested in respect of offences connected with the trafficking of sex workers to work in a brothel and managing a brothel.
- 2.7 At approximately 17:30 on the 13th February 2024 an authorised officer of Trafford Council issued a closure notice under section 76(1) of the Anti-social Behaviour, Crime and Policing Act 2014 on the grounds that the use of the premises had resulted in

nuisance to members of the public and was likely to be the cause of disorder in the vicinity of the premises as a result of the premises being used as a brothel.

2.8 On the 21st February 2024 Manchester Magistrates' Court, on application from Trafford Council, granted a Closure Order under section 80(5) of the Anti-social Behaviour, Crime and Policing Act 2014 on the grounds that it was satisfied:

- a. that a person had engaged, in criminal behaviour on the premises, namely that Rebecca Ellis and Gerald Ellis had used the premises as a brothel and engaged in all the criminal behaviour associated with that undertaking, and;
- b. that the use of the premises had resulted, in serious nuisance to members of the public, especially those trafficked to the premises and those affected by the use of the premises for that criminal purpose, and:
- c. that there had been, or (if the order is not made) was likely to be, disorder near those premises associated with the use of those premises as a brothel and the trafficking of sex workers to work within the premises.

2.9 A copy of the Closure Order and the Statement of Neil Courtney, Community Safety & CCTV Team Leader, are attached to this report at **Appendix B and C** respectively.

3 REPRESENTATIONS

3.1 Regulation 38(2) of the Licensing Act 2003 requires that following notification of a Closure Order the Authority must advertise the review of the premises licence at the premises; at the Council's Offices and on its website for no less than seven consecutive days starting on the day after the day the authority received notice of the Closure Order.

3.2 The Authority is also required to notify the premises licence holder and Responsible Authorities of the review.

3.3 The notification requirements were complied with and the last date for representations in respect of the review was 28th February 2024 – See **Appendix D**.

3.4 On the 28th February 2024 PC John Lloyd, Police Licensing Officer, submitted a representation on behalf of Greater Manchester Police in support of the review. A copy of the representation is attached at **Appendix E**.

4. KEY ISSUES

4.1 A S.80 Closure Order has been issued by Manchester Magistrates' Court in respect of the Railway Inn, Altrincham which has triggered a review of the premises licence.

4.2 The order was granted because the Court was satisfied that the premises had been used for serious criminal behaviour which had resulted in serious nuisance by the use of those premises for that criminal purpose.

4.3 The current premises licence was suspended on the 15th February 2024 under section 55A of the Licensing Act 2003 for non-payment of the annual fee. The Act states that the licensing authority must suspend a premises licence if the holder of the licence has

failed to pay the authority an annual fee that has become due under section 55(2) of the Act.

- 4.4 Rebecca Ellis is also the premises licence holder for a premises known as Bar Eight in Castlefield, Manchester. However, a notice posted by the Landlord's bailiff in January 2024 states that the lease on the premises has been forfeited; the premises have been secured; and no unauthorised access is permitted.
- 4.5 A representation in respect of the Closure Order and review was received from Greater Manchester Police on the 28th February 2024.

5. OPTIONS

- 5.1 The Sub-Committee must, having regard to the Closure Order and any relevant representations, take such of the steps mentioned in Section 167 subsection (6) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.
- 5.2 The steps stated in Section 167(6) are:
 - to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor;
 - to suspend the licence for a period not exceeding three months;
 - to revoke 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.

- 5.3 The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.
- 5.4 The Sub-Committee also have the option to leave the licence in its existing state and/or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

ATTACHED

Appendix A – Premises Licence
Appendix B – Closure Order
Appendix C – Evidence Bundle
Appendix D – Notice of Review
Appendix E – Representation from GMP

