

## LICENSING SUB-COMMITTEE

5 DECEMBER 2018

### PRESENT

Councillor A. Duffield (in the Chair).  
Councillors D. Jarman and J. Holden

#### In attendance

D. Sykes                      Principal Solicitor (Corporate and Commercial),  
K. Hinchliffe                Senior Licensing Officer,  
N. Owen                      Democratic and Scrutiny Officer.

#### **42. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER S53A LICENSING ACT 2003 AT RYAN'S WINE BAR, 1 ORCHARD PLACE, SALE M33 7XP**

The Head of Regulatory Services submitted a report informing Members of a request from Greater Manchester Police for a review of an existing premises licence for Ryan's Wine Bar, 1 Orchard Place, Sale, M33 7XP.

Representations were made by P.C. K Packer representing Greater Manchester Police.

Representations were also made by Mr. M. Balmer, Solicitor and Mr. P. Herdman, Designated Premises Supervisor of Ryan's Wine Bar.

#### RESOLVED –

- (1) That the existing Premises Licence be continued subject to additional conditions being attached to the Premises Licence as outlined in the decision notice below.
- (2) That the issue of the licence be delegated to the Head of Regulatory Services.

#### LICENSING SUB-COMMITTEE DECISION NOTICE

**Sub Committee Members:** Councillor A. Duffield (Chair)  
Councillor D. Jarman  
Councillor J. Holden

**Type of Licence:** **Review of Premises Licence: Ryan's Wine Bar, 1 Orchard Place, Sale, M33 7XP**

**Applicant:** Greater Manchester Police

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**Parties Present:** Greater Manchester Police  
Police Constable Karen Packer (District Licensing Officer)

On behalf of Ryan's Wine Bar  
Mr A Street – Premises Licence Holder  
Mr P Herdman – Designated Premises Supervisor  
Mrs L Street – Business Partner of Mr. A Street  
Mr M Balmer – Solicitor on behalf of premises

Officers  
Dominique Sykes – Principal Solicitor (Corporate & Commercial)  
Keiran Hinchliffe – Senior Licensing Officer  
Natalie Owen – Democratic and Scrutiny Officer

**Date of Hearing:** Wednesday 5<sup>th</sup> December 2018

**Time Commence:** 6.00 p.m.

**Time Terminated** 9.00 p.m.

**LICENSING SUB-COMMITTEE DECISION**

In its final determination the Licensing Sub-Committee at the full review hearing held at the Town Hall on 5 December 2018 the Council determined:

1. That the application for a review is from a responsible authority, namely Greater Manchester Police and is a valid application in that it refers to the licensing objectives; the prevention of crime and disorder and public safety.
2. That steps to modify the conditions of the Premises Licence were necessary and that the following additional conditions be attached to the Premises Licence:-

For the avoidance of any doubt the reference to the "Premises" shall mean the premises to which the Premises Licence relates to and where licensable activities take place. In this case, references to the Premises does not include the residential areas located above the Premises.

CCTV

- a) The Licence Holder shall install and maintain a comprehensive digital CCTV system.
- b) Licensable activities must not be undertaken at the Premises when CCTV is not operational.
- c) All public areas of the Premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition.

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- d) A TV monitor shall be positioned at the entrance/exit to the Premises, showing live footage of persons entering and leaving.
- e) All CCTV recorded images shall have sufficient clarity/quality/definition to enable facial recognition to an evidential standard.
- f) The CCTV cameras shall continually record while the Premises are open to the public and recording shall be kept available and unedited for a minimum of 31 calendar days with the date and time stamping.
- g) Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.
- h) A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or an authorised officer of the Licensing Authority.

**Security Industry Authority Staff**

- i) Whilst licensable activities are being carried out at the premises, a minimum of one Security Industry Authority (SIA) licensed door supervisor shall be on duty at the Premises during the following periods:

Thursdays from 1pm until close of business  
Fridays from 1pm until close of business  
Saturdays from 1pm until close of business

**Searches of the Premises**

- j) The DPS and/or a nominated member of staff shall carry out searches of the premises before the premises open, during hours of operation and at closing. Any relevant items recovered, eg. illegal drugs, lost property, shall be managed accordingly in accordance with company procedures.

**Searches of Persons**

- k) Any searches conducted on persons entering or re-entering the premises shall be conducted by a trained member of staff in an area monitored by premises CCTV.

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- l) Any relevant items recovered during a search of persons, eg. illegal drugs, offensive weapons, fraudulent ID or other relevant items, shall be seized, securely stored and managed accordingly in accordance with company procedures.
  
- m) All seized items shall be submitted to the police.

**Reporting Procedures**

- n) An incident log (which may be electronically recorded) shall be securely kept at the Premises, and made available on request to the police or an authorised officer of the Licensing Authority, which will record the following incidents including pertinent details:
  - (1) all crimes reported to the staff at the Premises, or by the staff at the Premises to the police
  - (2) all ejections of patrons
  - (3) any complaints received
  - (4) any incidents of disorder
  - (5) seizures of drugs, offensive weapons, fraudulent ID or other items
  - (6) any faults in the CCTV system, searching equipment or scanning equipment
  - (7) any refusal of the sale of alcohol
  - (8) any visit by a relevant authority or emergency service
  - (9) the times on duty, names and the licence numbers of all SIA staff employed at the Premises.

**Signage**

- o) A clearly visible notice shall be placed at each entrance and exit of the Premises stating that CCTV is in operation and that images are being captured for the purposes of crime prevention and public safety.
  
  - p) A clearly visible notice shall be placed at each entrance to the Premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons.
3. In reviewing the interim steps that it had previously taken the Sub-Committee determined that the suspension of the Premises Licence would continue until an authorised officer of the Licensing Authority is satisfied that that the Conditions a, c, d and i have been met, or in the case of condition i, the authorised officer of the Licensing Authority is satisfied that a minimum of one Security Industry Authority (SIA) licensed door supervisor will be on duty at the Premises during the specified periods.

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**LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION**

1. The Sub Committee had regard to the Licensing Act 2003 and regulations; the Secretary of State's Guidance and the Council's Licensing Policy.
2. The Sub Committee carefully considered the evidence from Greater Manchester Police as well as representations at the hearing by the new Designated Premises Supervisor and Mr. Balmer, Solicitor.
3. The Sub-Committee believe that the additional conditions are appropriate and proportionate to the promotion of the licensing objectives.

The meeting commenced at 6.00 pm and finished at 9.00 pm