



SPEAKERS PANEL (LIQUOR LICENSING)

Day: Thursday
Date: 16 July 2020
Time: 2.30 pm
Place: Zoom Meeting

Item No.	AGENDA	Page No
1	APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2	DECLARATIONS OF INTEREST To receive any declarations of interest.	
3	APPLICATION FOR AN EXPEDITED REVIEW OF A PREMISES LICENCE (INTERIM STEPS DECISION) - THE OWD JOSS (LAST ORDERS), MARKET STREET, HYDE To consider the attached application for an Expedited Review of a premises Licence.	1 - 10

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Agenda Item 3

Report To:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	16 July 2020
Executive Member / Reporting Officer:	Emma Varnam – Assistant Director, Operations and Neighbourhoods
Subject:	APPLICATION FOR AN EXPEDITED REVIEW OF A PREMISES LICENCE (INTERIM STEPS DECISION) – THE OWD JOSS (LAST ORDERS), MARKET STREET, HYDE
Report Summary:	Members are requested to decide what, if any, interim steps to take in respect of the application
Recommendations:	<p>Having regard to the application from Greater Manchester Police, Members are requested to decide what, if any, interim steps to take as it considers appropriate for the promotion of the licensing objectives. The steps available are:</p> <ul style="list-style-type: none">a) Modification of the conditions of the licenceb) The exclusion of the sale of alcohol by retail from the scope of the licencec) Remove the designated premises supervisord) The suspension of the licence.
Links to Corporate Plan:	Living Well – Improve satisfaction with local community
Policy Implications:	Members are provided with policy guidelines to assist in the decision making process.
Financial Implications:	There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.
(Authorised by the Section 151 Officer)	
Legal Implications:(Authorised by the Borough Solicitor)	Any decision to impose interim steps following an application for an expedited review challenged by way of representations from the premises licence holder (in the first instance) to the Speaker's Panel (Liquor Licensing).
Risk Management:	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety, and also the right of an individual to earn a living
Access to Information	<p>The author of the report is Mike Robinson, Regulatory Services Manager (Licensing):-</p> <p> Telephone - 0161 342 4122</p> <p> e-mail: mike.robinson@tameside.gov.uk</p>

1. INTRODUCTION

- 1.1 Section 53A of the Licensing Act 2003 outlines the procedure whereby the police may apply to the Licensing Authority for an expedited review of a premises licence.
- 1.2 Section 53A of the Licensing Act 2003 requires the licensing authority, on receipt of an application for an expedited review, within 48 hours of the time of its receipt, to consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence.
- 1.3 The interim steps the licensing authority must consider taking are:
 - (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, or;
 - (d) The suspension of the licence.

2. REPORT

- 2.1 At 16:15 on Monday 13 August 2020 an incident occurred within the Owd Joss, 81 Market Street, Hyde. An altercation took place between two customers, before the offender who has links to organised criminal activity, punched the victim causing him to fall to the floor and lose consciousness. The offender then stamps on the head of the victim.
- 2.2 Whilst the victim laid unconsciousness, the offender threatened customers and staff and warned that the incident should not be reported to the Police. A staff member who was not working made a 999 call requesting the attendance of an ambulance.
- 2.3 The Designated Premises Supervisor was upstairs in his private accommodation of the premises throughout the incident and did not come downstairs until after the Police had arrived.
- 2.4 There was one member of staff working at the time who according to the Police Officers attending the scene was extremely intoxicated.
- 2.5 The result of the incident was that the victim has been admitted to Salford Royal Hospital with serious brain trauma, after being transferred from Tameside General Hospital.
- 2.6 Greater Manchester Police have concerns that the management of the premises are failing to promote the licensing objectives of Prevention of Crime and Disorder and Public Safety which puts the safety of members of the public at risk.
- 2.7 At approximately 16:45 on Wednesday 15 July 2020, PC Martin Thorley from Greater Manchester Police submitted an application to the Licensing Authority for an expedited review of the premises licence in accordance with s53A of the Licensing Act 2003. A copy of PC Thorley's application is attached at **Appendix 1**.
- 2.8 In addition, PC Thorley also submitted a certificate in accordance with s53A(1)(b), signed by Superintendent Jane Higham, to the effect that the premises is associated with serious crime. A copy of the certificate is attached at **Appendix 2**.

3. CONCLUSION AND OPTIONS FOR THE PANEL

- 3.1 Panel are requested to consider whether it is necessary to take interim steps pending the determination of a full review hearing, which is required to take place within 28 days of the submission of the application.
- 3.2 The interim steps the licensing authority must consider taking are:
- (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, or;
 - (d) The suspension of the licence.

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Expedited Review Application - Schedule 8A

Application for the review of a premises licence under section 53A of The Licensing Act 2003 (premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

I, Police Constable 14627 Martin Thorley,

On behalf of the chief officer of police for Tameside Division, Greater Manchester Police, apply for the review of a premises licence under section 53A of the Licensing Act 2003.

Postal address of premises, (or if none or not known, Ordnance Survey map reference or description):

The Owd Joss, 81 Market Street

Post town: **Hyde**

Post code (if known): **SK14 2QT**

Name of Premises Licence holder: **Hawthorn Leisure Limited**

Premises licence number (Local Authority reference) : **PL0329**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

Details of association of the above premises with serious crime, serious disorder or both: [Please read guidance note 2]

Greater Manchester Police have evidence of serious crime at the premises.

At approximately 1630hrs on Monday 13th July 2020 an altercation occurred inside The Owd Joss, 81 Market Street, Hyde between a male and another customer. The male offender has been seen to punch the victim once to the face causing him to fall to the floor and lose consciousness. Whilst he lay unconscious on the floor the offender is seen to stamp on the head of the victim. Other customers stood by whilst this assault took place.

The offender is then seen to threaten customers and staff that "no-one needs talk about this and not to tell the police nothing" and that if calls are made to the Police he "will be back to tear the pub up and burn the pub down".

One 999 call was made to North West Ambulance Service informing them of the assault taking place. As a result of this call the Ambulance Service informed Police at 1644hrs that the Ambulance required assistance and that a 25 year old male was not conscious but was breathing. His injuries were unknown and the offender was believed to still be on scene.

Police officers made their way to the premises during which time the offender to the assault fled the premises, having made threats to witnesses and staff.

Upon police officers arriving at the scene the victim was identified as a person who is currently banned from participating Pub Watch premises in Tameside until 09/07/23. There is a condition of the Premises Licence of the Owd Joss that the DPS will be a member of the Local Pub Watch. The DPS and /or staff have not attended any meeting and have refused to engage with Pub Watch.

The attending Police Officer approached and spoke with the lone member of bar staff and immediately formed the opinion that the staff member was extremely intoxicated, argumentative and obstructive. The member of staff was later sent home from duty and informed if she turned up for work after drinking any alcohol again, she would be dismissed immediately.

Requests were made by attending Police Officers to view the Covid 19 track and trace records for the premises in an attempt to identify the offender. There were no records at all in relation to any attending customer from opening until the Police attending.

The victim of this assault is believed to still remain in hospital and is being treated for his injuries. The victim refused to cooperate with Police and would not assist with any enquiries.

Officers have viewed the footage of the CCTV at the premises which shows the assault taking place.

This investigation is currently in its infancy and police enquiries are continuing to trace a suspect for this serious incident. The offender is known to Police and has previously been linked to organised criminality. There is little doubt that the incident inside the premises is a serious assault resulting in potentially serious injuries.

There is a concern over the management of the premises and their capability to run a safe venue for members of the public to visit. The pub have failed to comply with guidelines in relation to Covid 19 and failed to safeguard the customers which lead to this assault taking place. The threats by the offender also make the premises vulnerable if it was to remain open.

There is an additional concern that this premises will become a focal point for repucutions and repisals giving rise to further incidents of serous crime and disorder and putting the safety of members of the public at risk.

In order to ensure the licensing objectives and the prevention of crime and disorder and public safety are being promoted, Greater Manchester Police request that the licensing authority consider the suspension of the premises licence until the full review is heard before the committee.

Signature of applicant:

Date:

Capacity / role: Licensing Police Officer, Tameside

Contact details for matters concerning this application: P.C. 14627 M. Thorley

Address: Ashton Police Station, Manchester Road, Ashton U Lyne.

Telephone number(s): 0161 856 9484

Email: g.licensing@gmp.police.uk

Greater Manchester Police
Ashton Police HQ
Manchester Road
Ashton under Lyne
OL7 0BQ

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

The Owd Joss
81 Market Street
Hyde
Tameside
SK14 2QT

Premises licence number (if known): PL0329

Name of premises supervisor (if known): Sean Wilkinson

I am a Superintendent³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

Greater Manchester Police have evidence of serious crime at the premises.

At approximately 1630hrs on Monday 13th July 2020 an altercation occurred inside The Owd Joss, 81 Market Street, Hyde between a male and another customer. The male offender has been seen to punch the victim once to the face causing him to fall to the floor and lose consciousness. Whilst he lay unconscious on the floor the offender is seen to stamp on the head of the victim.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

Other customers stood by whilst this assault took place.

The offender is then seen to threaten customers and staff that “no-one needs talk about this and not to tell the police nothing” and that if calls are made to the Police he “will be back to tear the pub up and burn the pub down”.

One 999 call was made to North West Ambulance Service informing them of the assault taking place. As a result of this call the Ambulance Service informed Police at 1644hrs that the Ambulance required assistance and that a 25 year old male was not conscious but was breathing. His injuries were unknown and the offender was believed to still be on scene.

Police officers made their way to the premises during which time the offender to the assault fled the premises, having made threats to witnesses and staff.

Upon police officers arriving at the scene the victim was identified as a person who is currently banned from participating Pub Watch premises in Tameside until 09/07/23. There is a condition of the Premises Licence of the Owd Joss that the DPS will be a member of the Local Pub Watch. The DPS and /or staff have not attended any meeting and have refused to engage with Pub Watch.

The attending Police Officer approached and spoke with the lone member of bar staff and immediately formed the opinion that the staff member was extremely intoxicated, argumentative and obstructive. The member of staff was later sent home from duty and informed if she turned up for work after drinking any alcohol again, she would be dismissed immediately.

Requests were made by attending Police Officers to view the Covid 19 track and trace records for the premises in an attempt to identify the offender. There were no records at all in relation to any attending customer from opening until the Police attending.

The victim of this assault is believed to still remain in hospital and is being treated for his injuries.

The victim refused to cooperate with Police and would not assist with any enquiries.

Officers have viewed the footage of the CCTV at the premises which shows the assault taking place.

This investigation is currently in its infancy and police enquiries are continuing to trace a suspect for this serious incident. The offender is known to Police and has previously been linked to organised criminality. There is little doubt that the incident inside the premises is a serious assault resulting in potentially serious injuries.

There is a concern over the management of the premises and their capability to run a safe venue for members of the public to visit. The pub have failed to comply with guidelines in relation to Covid 19 and failed to safeguard the customers which lead to this assault taking place. The threats by the offender also make the premises vulnerable if it was to remain open.

There is an additional concern that this premises will become a focal point for reputations and reprisals giving rise to further incidents of serious crime and disorder and putting the safety of members of the public at risk.

The incident of serious crime which occurred is a section 18 Assault - GBH and I am satisfied that the conduct constitutes an offence for which a person aged 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years as per section 81(3) Regulation of Investigatory Powers Act 2000 (RIPA 2000).

I have considered all powers available under the Licensing Act 2003 and feel that a Closure Order under Section 160 of the Act is inappropriate due to the limited 24hr closure not being sufficient to protect the public.

Section 161 of the Act is inappropriate as further action is deemed necessary in order to promote the licensing objectives and a 24 hour closure would not be sufficient.

Section 51 of the Act, in addition to the above, is inappropriate due to the incident of serious crime and my immediate concerns over the welfare and safety of members of the public and patrons attending or in the vicinity of the premises. The standard review provisions are insufficient presently as immediate action is required with a full review within 28 days to deal with all concerns for the premises.

The powers contained under Section 53A of the Licensing Act 2003 are appropriate to be exercised, due to the above previously mentioned powers being inappropriate for the purposes of this review. There are real, serious and immediate concerns for the safety of members of the public and patrons visiting the premises.

In the interim Greater Manchester Police would request that the licensing authority consider suspension of the premises licence until the full review is heard before the committee.

Jane Higham Superintendent Tameside District. 15th July 2020
(Signed) (Date)

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(Signed)

(Date)

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