

SPEAKERS PANEL (LIQUOR LICENSING)

Day: Wednesday
Date: 12 August 2020
Time: 10.00 am
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	REVIEW OF A PREMISES LICENCE - THE OWD JOSS (LAST ORDERS), MARKET STREET, HYDE To consider the attached application for a review of a Premises Licence.	1 - 36

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Agenda Item 3

Report to:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	12 August 2020
Reporting Officer:	Emma Varnam – Assistant Director, Operations & Neighbourhoods
Subject:	APPLICATION FOR A REVIEW OF A PREMISES LICENCE – THE OWD JOSS (LAST ORDERS), MARKET STREET, HYDE
Report Summary:	Members are requested to determine the application
Recommendations:	<p>Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are:</p> <ul style="list-style-type: none">a) Modify the conditions of the licenceb) Exclude a licensable activity from the scope of the licencec) Remove the designated premises supervisord) Suspend the licence for a period not exceeding 3 monthse) Revoke the licence
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: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	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.
Legal Implications: (Authorised by the Borough Solicitor)	Any decision to revoke/suspend a licence or impose amendments or conditions to a licence can be challenged by way of appeal (in the first instance) to the local Magistrates Court.
Risk Management:	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.
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 On 16 July 2020 the Speakers Panel (Liquor Licensing) held a hearing to consider taking such interim steps, the decision of the panel was to suspend the licence. A copy of the decision notice can be found at **Appendix 1**
- 1.4 Under Section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence within 28 days of the after the day of receipt of the application.
- 1.5 Following the review under s53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.
- 1.6 In making its final determination the steps the Panel can take 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
- 1.7 In carrying out its functions under the Licensing Act 2003 the Licensing Authority and Panel must promote the licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In addition, the Licensing Authority expects holders of premises licences or other permissions which allow the sale of alcohol to carry out their activities with a view to promoting the protection and improvement of public health.

2. REPORT

- 2.1 The Owd Joss has held a premises licence since July 2005. The premises licence holder is Hawthorn Leisure Honey Limited. A copy of the premises licence is attached at **Appendix 2**.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 There was one member of staff working at the time who according to the Police Officers attending the scene was extremely intoxicated.

- 2.6 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.
- 2.7 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.
- 2.8 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 3**.
- 2.9 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 4**.

3. REPRESENTATIONS & EVIDENCE SUBMITTED

- 3.1 In addition to the application to review the premises licence, a supporting statement has been received from Gemma Lee on behalf of the Licensing Authority. This statement is attached at **Appendix 5**.
- 3.2 A meeting took place on 28 July 2020 with Greater Manchester Police, Hawthorn Leisure, TLT Solicitors and the Licensing Authority to discuss the future of the Owd Joss. A number of conditions agreeable by Greater Manchester Police and the Licensing Authority are attached at **Appendix 6**.
- 3.3 Following the meeting on the 28 July 2020, TLT Solicitors have suggested amendments to a number of the conditions proposed by Greater Manchester Police and the Licensing Authority attached at **Appendix 7**

4. HOME OFFICE GUIDANCE

- 4.1 In determining this review, the Panel must have due regard to the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy 2016-2021 published pursuant to s5 of the Licensing Act 2003.

5. CONCLUSION AND OPTIONS FOR THE PANEL

- 5.1 The Panel is requested to consider the content of this report and appendices and any oral evidence/submissions put forward at the hearing and to determine this review and to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are set out at the start of the report.

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PRIVATE AND CONFIDENTIAL

Mr M Knibbs - Area Manager
Mr M Gurney - Operations Director
Hawthorne Leisure Limited

Robert Landon
Head of Democratic Services

Democratic Services, Floor 4, Tameside
One, Market Place, Ashton-Under-Lyne, OL6
6BH

Call Centre 0161-342-8355

www.tameside.gov.uk
email: carolyn.eaton@tameside.gov.uk

Ask for Carolyn Eaton
Direct Line 0161 342 3050
Date 17 July 2020

TAMESIDE MBC

Speakers' Panel (Liquor Licensing)
(Cllrs Sweeton (Ch), Carthey & Quinn)
16 July 2020

DECISION NOTICE**Summary review - interim steps hearing****Sections 53A-C Licensing Act 2003**

On the 16 July 2020 a Speakers Panel (Liquor Licensing) of Tameside Metropolitan Borough Council considered whether it was appropriate to take interim steps in respect of an application by Greater Manchester Police under the provisions of section 53A of the Licensing Act 2003 in respect of premises known as:

The Owd Joss, 81 Market Street, Hyde, Tameside SK14 2QT
(the hearing was held by remote video conference)

In attendance:**Tameside MBC:**

- Carolyn Eaton, Principal Democratic Services Officer, Tameside MBC
- Mike Robinson, Regulatory Services Manager, Tameside MBC
- David Joy, Solicitor, Tameside MBC

Greater Manchester Police:

- PC Martin Thorley, Police Licensing Officer, Greater Manchester Police

Licence Holder:

- Mark Knibbs, Area Manager, Hawthorne Leisure Limited
- Matthew Gurney, Operations Director, Hawthorne Leisure Limited

The Sub-Committee heard from/asked questions of:

Mr Mike Robinson, Regulatory Services Manager, Tameside MBC

Mr Robinson presented the report to the Panel. Additional information relating to the licensing history of the premises was referred to.

PC Martin Thorley, Police Licensing Officer Greater Manchester Police

PC Thorley presented the case for Greater Manchester Police.

A Certificate pursuant to s53A(1)(b) has been submitted to the Licensing Authority signed by Superintendent Jane Higham and dated 15 July 2020.

The Police submitted evidence of a serious crime having been committed at the premises on 13 July 2020.

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 was 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 was 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 Officers 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 has 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 the premises will become a focal point for repercussions 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 the Police are 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).

The Police 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 Police submitted that 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, whilst noting the voluntary actions taken by the licence holder, requested that the Licensing Authority consider suspension of the premises licence until the full review is heard before the Panel.

Licence Holder

The following submissions were made by Mr Knibbs and Mr Gurney on behalf of the Licence Holder:

Covid – 19 measures had been set up across all their licensed premises. This included additional staffing. There was an acknowledgement that a minimum 2 members were required in the premises during operating hours. Other measures included the restriction of activities in the premises including sports/entertainment/tv etc.

Track and trace for Covid 19 was in place at the premises although it was accepted that there was a reduced level of compliance up to 13/7/20

The premises were not connected to gang related crime.

Due to the non-engagement of the DPS in Pubwatch scheme and the acceptance that the member of staff on duty at the time of the incident on 13/7/20 was intoxicated, the Licence holder had removed/dismissed the DPS. Steps were now being taken to replace a suitable replacement. Mr Knibbs was relatively new to his role and would be responsible for finding a suitable DPS for the premises and would work with the police in this regard.

The premises had been voluntarily closed and will remain closed pending a new DPS being appointed.

The Licence Holder will also work with licensing/GMP regarding possible additional conditions that might be imposed as part of a review of the licence.

The Licence holder submits that it is not necessary in the circumstances for a formal suspension to be imposed particularly given the recent Covid related closure.

DECISION/REASONS

In determining this matter, the Panel took into account all oral and written evidence, and also considered the Council's Statement of Licensing Policy, the relevant sections of the Licensing Act 2003 and Regulations made thereunder, the Guidance issued by the Secretary of State under section 182 of that Act (including the specific Guidance issued in relation to s53A), and the licensing objectives.

The Panel was satisfied that there was clear evidence that there had been a violent incident (1x offence- s18 Offences Against the Person Act 1861) on the premises which resulted in injuries being sustained by the victim. The Panel was satisfied that the incident on 13 July 2020 constituted a serious crime for the purposes of s53A.

The Panel welcomed the voluntary steps taken by the Licence Holder, namely, removal of the DPS and voluntary closure of the premises pending the appointment of a new DPS.

However, having regard to the circumstances of the incident and the continuing threat the Panel considered that it was necessary, in order to promote the crime and disorder objective, to take an interim step pending determination of a review of the premises licence.

The Panel considered all available options and concluded that the appropriate and proportionate interim step in this matter was that the premises licence be suspended pending a review of the premises licence (to be within 28 days after the day of receipt of the s53A application).

And that the suspension should take effect immediately and remain in force until the determination of the review (and the outcome of any appeal in relation to the review decision)

NOTE:

For the purposes of section 53B(5)(b) of the Licensing Act 2003 immediate notice of this decision was given orally to all parties at the hearing (with a written decision with reasons to follow).

The premises licence holder was advised of its continuing right to make representations against the interim steps.

Yours faithfully,



Carolyn Eaton
Principal Democratic Services Officer

PC Thorley, GMP
Mike Robinson, Regulatory Services Manager, Tameside MBC
David Joy, Solicitor, Tameside MBC

Premises Licence

Licensing Act 2003

PL0329

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMISES **The Owd Joss (Last Orders)** **TELEPHONE:**

ADDRESS Last Orders Inn, 81 Market Street, Hyde, Tameside, SK14 1HL

WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

- | | |
|----------|---|
| E | - Performance Of Live Music; |
| F | - Playing Of Recorded Music; |
| G | - Performance Of Dance; |
| I | - Provision of late night refreshment; |
| J | - Sale by retail of alcohol; |
| N | - Provision of Regulated Entertainment; |

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
E - Performance Of Live Music (Indoors)	Sunday	09:00 - 02:00
	Monday - Wednesday	08:00 - 23:00
	Thursday - Saturday	08:00 - 01:00
	New Years Eve	from opening NYE to opening NYD
F - Playing Of Recorded Music (Indoors)	Thursday	08:00 - 01:00
	Sunday	09:00 - 00:00
	Monday - Wednesday	08:00 - 23:00
	Friday - Saturday	08:00 - 02:00
	New Years Eve	-
G - Performance Of Dance (Indoors)	Thursday	08:00 - 01:00
	Sunday	09:00 - 00:00
	Monday - Wednesday	08:00 - 23:00
	Friday - Saturday	08:00 - 02:00
	New Years Eve	from opening NYE to opening NYD
I - Provision of late night refreshment (Indoors)	Monday - Wednesday	23:00 - 23:30
	Thursday - Sunday	23:00 - 00:30
	New Years Eve	23:00 - 05:00
	Thursday	08:00 - 01:00
J - Sale by retail of alcohol (Both)	Thursday	08:00 - 01:00

	Sunday	09:00 - 00:00
	Monday - Wednesday	08:00 - 23:00
	Friday - Saturday	08:00 - 02:00
	New Years Eve	from opening NYE to opening NYD
N - Provision of Regulated Entertainment (Indoors)		
	Thursday	08:00 - 01:00
	Sunday	09:00 - 00:00
	Monday - Wednesday	08:00 - 23:00
	Friday - Saturday	08:00 - 02:00
	New Years Eve	-

THE OPENING HOURS OF THE PREMISES:

Description	Times	
Friday-Saturday	08:00	02:30
Monday-Wednesday	08:00	23:30
New Years Eve		from opening NYE to opening NYD
Sunday	09:00	00:30
	08:00	01:30

Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption both **ON** and **OFF** the Premises

Premises Licence

Licensing Act 2003

PL0329

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Hawthorn Leisure Honey Limited
Touchstone Pinewood Business Park, Coleshill Road, Marston Green,
Birmingham, B37 7HG

Tel:
Email:

Registered number of holder, for example company number, charity number (where applicable)

Hawthorn Leisure Honey Limited
Touchstone Pinewood Business Park, Coleshill Road, Marston Green,
Birmingham, B37 7HG

Business Reg No: 09225149

Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Sean Wilkinson
15 Pimlott Grove, Hyde, Tameside, SK14 4BT,

Tel: 0161 342 3654

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the premises authorises for the supply of alcohol):

Licence Number: **PA19639**
Licensing Authority Issued by: **Tameside**

SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY

 Sharon Smith

Head of Public Protection - Operations & Neighbourhoods

Annex 1 – Mandatory conditions**On & Off Licence Premises****All supplies of alcohol**

1. 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 licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question; admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

Door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection 1 requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.
3. For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act,
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Age verification policy

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. 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 either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Irresponsible drinks promotions

1. The responsible person must 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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.
 - (e) 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).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Alcoholic drink measures

The responsible person must 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Cost of Alcohol

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(d) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by the calculation is not a whole number of pennies, the price given by that calculation shall be taken to be the price rounded up to the nearest penny.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

(a) General - all four licensing objectives (b,c,d,e)

Cameras shall be maintained in the premises and the tapes/records kept for a minimum of 31 days and shall be available for inspection by the police/licensing authority on request.

(b) The prevention of crime and disorder

- i. No irresponsible sales promotions of alcoholic beverages shall be offered to customers.
- ii. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
- iii. A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.
- iv. The DPS will be a member of the local Pubwatch.

(c) Public safety

- i. Fire doors will be maintained effectively self-closing and shall not be held open other than by approved devices.
- ii. Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed.

(d) The prevention of public nuisance

- i. A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.

(e) The protection of children from harm

- i. Anyone who appears to be under the age of 21 and who is attempting to buy alcohol must be required to produce proof of age before such a sale is made.
- ii. No one under the age of 18 will be allowed to enter or remain on the premises.

Non Standard Timings

Friday, Saturday & Sunday of a bank holiday weekend, Thursday preceding Good Friday, St Patricks Day, St Georges Day, Christmas Eve and Boxing Day an additional hour.

CONDITIONS AS PER WRITTEN AGREEMENT FOLLOWING A MINOR VARIATION APPLICATION AGREED 30TH NOVEMBER 2006.

1. Doors & Windows

To prevent noise nuisance, all windows and doors at the premise must be kept closed at any time when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is being performed at the premise, except to allow people to enter or exit.

2. Sound Monitoring

A nominated member of staff will be required to stand by the nearest noise sensitive area and monitor the sound and keep a record in a register.

3. Occupancy Limit

During regulated entertainment the occupancy shall not exceed 125 at any one time.

CONDITIONS AS PER WRITTEN AGREEMENT FOLLOWING A REPRESENTATION FROM A RESPONSIBLE AUTHORITY 30TH NOVEMBER 2006.

1. Entertainment Nuisance

Noise from live entertainment shall not cause a public nuisance to persons working and living in the vicinity.

CONDITION AS PER WRITTEN AGREEMENT FOLLOWING A REPRESENTATION FROM A MEMBER OF THE PUBLIC 30TH NOVEMBER 2006.

1. Sound Limiter

That a sound limiter be fitted in the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

ANNEX 4 – AUTHORISED PLANS

As attached

Premises Licence Summary

Licensing Act 2003

PL0329

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMISES **The Owd Joss (Last Orders)** **TELEPHONE:**

ADDRESS Last Orders Inn, 81 Market Street, Hyde, Tameside, SK14 1HL

WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

- E** - **Performance Of Live Music;**
- F** - **Playing Of Recorded Music;**
- G** - **Performance Of Dance;**
- I** - **Provision of late night refreshment;**
- J** - **Sale by retail of alcohol;**
- N** - **Provision of Regulated Entertainment;**

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
E - Performance Of Live Music (Indoors)	Sunday	09:00 - 02:00
	Monday - Wednesday	08:00 - 23:00
	Thursday - Saturday	08:00 - 01:00
	New Years Eve	-
F - Playing Of Recorded Music (Indoors)	Thursday	08:00 - 01:00
	Sunday	09:00 - 00:00
	Monday - Wednesday	08:00 - 23:00
	Friday - Saturday	08:00 - 02:00
	New Years Eve	-
G - Performance Of Dance (Indoors)	Thursday	08:00 - 01:00
	Sunday	09:00 - 00:00
	Monday - Wednesday	08:00 - 23:00
	Friday - Saturday	08:00 - 02:00
	New Years Eve	-
I - Provision of late night refreshment (Indoors)	Monday - Wednesday	23:00 - 23:30
	Thursday - Sunday	23:00 - 00:30
	New Years Eve	23:00 - 05:00
	Thursday	08:00 - 01:00
J - Sale by retail of alcohol (Both)	Thursday	08:00 - 01:00

	Sunday	09:00 - 00:00
	Monday - Wednesday	08:00 - 23:00
	Friday - Saturday	08:00 - 02:00
	New Years Eve	-
N - Provision of Regulated Entertainment (Indoors)		
	Thursday	08:00 - 01:00
	Sunday	09:00 - 00:00
	Monday - Wednesday	08:00 - 23:00
	Friday - Saturday	08:00 - 02:00
	New Years Eve	-

THE OPENING HOURS OF THE PREMISES:

Description	Times
Friday-Saturday	08:00 02:30
Monday-Wednesday	08:00 23:30
New Years Eve	
Sunday	09:00 00:30
	08:00 01:30

Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption both **ON** and **OFF** the Premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Hawthorn Leisure Honey Limited
 Touchstone Pinewood Business Park, Coleshill Road, Marston Green,
 Birmingham, B37 7HG
 Tel:
 Email:

Registered number of holder, for example company number, charity number (where applicable):

Business Reg No:

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Sean Wilkinson
 15 Pimlott Grove, Hyde, Tameside, SK14 4BT,
 Tel: 0161 342 3654

State whether access to the premises by children is restricted or prohibited:

Access to the premises by children is prohibited

SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY

 Sharon Smith
 Head of Public Protection - Operations & Neighbourhoods

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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.

Premises²:

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)

.....
(Signed)

(Date)

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APPENDIX 5

I write on behalf of the Licensing Authority in its capacity as a responsible authority. I am aware that this statement/correspondence will be used as part of an application for a review of the premises licence at The Owd Joss, 81 Market Street, Hyde PL0329. The Licensing Authority fully supports Greater Manchester Police's review application.

On 15th July 2020, GMP submitted an expedited review. This was following an incident that occurred on 13th July 2020. The altercation occurred inside The Owd Joss, 81 Market Street, Hyde between a male and another customer. The male offender was 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.

When the police arrived, there was one member of staff working at the time who, according to the police officers attending the scene, was extremely intoxicated.

This premises were visited on 8th April 2020, during lockdown, following the outbreak of the coronavirus pandemic. This was following reports to GMP that the premises was open and alcohol had been served. A paramedic had contacted the police because they had tended to a female who was extremely intoxicated and stated she had been drinking there all day. A subsequent review of the CCTV at the premises showed that family and friends of the DPS had been at a party in the private accommodation above the pub; they then came downstairs to play pool and drink their own alcohol until 7am. A prohibition notice issued under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 was served at the premises on 8th April 2020 and the area manager of Hawthorn Leisure, Mark Knibbs, was informed.

The Licensing Authority has concerns that the management of the premises are failing to promote the licensing objectives namely: public safety.

A meeting took place on 28th July 2020 with Greater Manchester Police, Hawthorn Leisure, TLT Solicitors and the Licensing Authority to discuss the future of The Owd Joss. A number of conditions have been discussed/are agreeable by Greater Manchester Police and the Licensing Authority.

Gemma Lee

Regulatory Compliance Officer (Licensing)

Environmental Services (Public Protection)

Operations and Neighbourhoods

Operations and Neighbourhoods

[Tameside MBC](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

Tame Street Depot | Tame Street | Stalybridge | Tameside | SK15 1ST

Tel. 0161 342 2125

Mobile. 07815445802

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APPENDIX 6

CCTV

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights act.

Door Staff Policy

Minimum 2 SIA Door Staff on Friday and Saturday from 9pm until 20 minutes after close.

The management shall produce and implement a Door Supervisor Policy which includes details of disciplinary procedures, and the management's expectations as to the behaviour and professionalism of the door staff. This policy will be submitted to GMP and the Licensing Manager on first implementation and following any subsequent changes to the policy.

Door Staff Log

A Door Supervisor Log shall be correctly maintained at the premises. This will include the following details:

- (i) The door staff names, dates of birth and home addresses;
- (ii) Full details, name, address and contact number of employment agency used

And for each individual period of trading:

- (iii) The name of the individual member of door staff
- (iv) His/Her Security Industry Authority licence number
- (v) The time and date He/She starts and finishes duty
- (vi) The time of any breaks taken whilst on duty
- (vii) Each entry shall be signed by the door supervisor, DPS or nominated person

Incident Book

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises
- (ii) Any incident involving controlled drugs (supply/possession/influence) on the premises
- (iii) Any other crime or criminal activity on the premises
- (iv) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
- (v) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (vi) Any call for police assistance to the premises
- (vii) Any ejection from the premises
- (viii) Any first aid/other care given to a customer

Challenge 25

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

Staff Training

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

Personal Licence Holder to be on Premise at All Times

A Personal Licence Holder must be present at the premises at all times licensable activities, live music (amplified or unamplified), recorded music or any other types of entertainment (amplified or unamplified) are taking place.

Pubwatch

Where a Pubwatch scheme is in operation, the designated premises supervisor must be an active member of the scheme.

Active member is defined as someone who:

- (i) Attends a minimum of 50% of Pubwatch meetings between 1 January and 31 December annually. Attendance at Pubwatch meetings will be measured by the use of written records kept by the Chair and/or Secretary of the relevant Pubwatch group. When calculating whether 50% of meetings have been attended by the designated premises supervisor any meetings cancelled by the Chair/Secretary, or meetings cancelled for any reason out of the control of the designated premises supervisor will not be counted.
- (ii) Actively enforces all collective banning orders imposed by the Pubwatch group. The designated premises supervisor must ensure that any individual subject to a collective banning order by the Pubwatch group is not allowed to enter or remain on the premises. If a banned individual enters or attempts to enter the premises and attempts to remove them are unsuccessful, the designated premises supervisor must ensure that the police are contacted and asked to assist in removing the individual.

(iii) Shares information with other members of the Pubwatch group. Whenever a banned individual is refused entry or removed from the premise, the designated premises supervisor must ensure that the other members of the pubwatch group are informed as soon as practicable.

(iv) The designated premises supervisor must ensure that all members of staff are made aware of all individuals who are currently banned by the Pubwatch scheme. Staff must be regularly updated by the designated premises supervisor whenever individuals are added or removed from the list of banned persons.

Personal Licence Holder to be on Premise at All Times

A Personal Licence Holder must be present at the premises at all times licensable activities, live music (amplified or unamplified), recorded music or any other types of entertainment (amplified or unamplified) are taking place.

Door Age Policy

No persons under the age of 18 to be allowed entry to the premises at any time when it is open and operating.

Doors & Windows

To prevent noise nuisance, all windows and doors at the premise must be kept closed at any time when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is being performed at the premise, except to allow people to enter or exit.

Entertainment to be Inaudible

Noise generated by regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) must be inaudible at the nearest noise sensitive location.

Perimeter Inspections

The Designated Premises Supervisor must ensure that perimeter inspections are undertaken every hour when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is taking place. These inspections must be recorded in a book which must be made available for inspection to Local Authority Officers and Greater Manchester Police on request.

Notices to Customers

Notices requesting customers to leave quietly must be displayed in a prominent position next to each entrance/exit. The Designated Premises Supervisor must ensure that customers are encouraged to keep noise to a minimum when leaving the premise.

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APPENDIX 7

Email dated 28.7.20

CCTV

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route, ~~the bar and within any other vulnerable areas as identified~~ **other public areas as agreed between the premises licence holder and** by Greater Manchester Police.

Recorded footage must be provided to **Greater Manchester Police** ~~a representative of any responsible authority~~ on request **and at a time agreed between the DPS and Greater Manchester Police**. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times. **The DPS/ manager will comply with any immediate request to view CCTV made by Greater Manchester Police relating to the investigation of an identified criminal offence.**

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of ~~any responsible authority~~ **Greater Manchester Police or the Licensing Authority** on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions **at all entrances to** ~~within~~ the premises, including information **required to be shown to comply with data protection legislation.** ~~on the Data Protection Act and the Human Rights act.~~

Door Staff Policy

A Minimum 2 SIA Door Staff **will be on duty** on Friday and Saturday **nights** from 9pm until 20 minutes after close, **unless otherwise agreed in writing and in advance by Greater Manchester Police. At all other times door staff will be provided in the numbers and at the times identified in line with any risk assessment associated with specific events or for specific special occasions (either nationally or locally).**

The management shall produce and implement a Door Supervisor Policy (**'the policy'**) which includes details of ~~disciplinary procedures,~~ and the management's expectations as to the behaviour and professionalism of the door staff. ~~This~~ **The policy will be submitted to a member of GMP's licensing**

~~team and the Licensing Manager~~ on first implementation and following any subsequent changes to the policy.

Door Staff Log

A Door Supervisor Log shall be correctly maintained at the premises. This will include the following details:

- (i) The door staff names, dates of birth and home addresses;
- (ii) Full details, name, address and contact number of employment agency used

And for each individual period of trading:

- (iii) The name of the individual member of door staff
- (iv) His/Her Security Industry Authority licence number
- (v) The time and date He/She starts and finishes duty
- (vi) The time of any breaks taken whilst on duty
- (vii) Each entry shall be signed by the door supervisor, DPS or nominated person

Incident Book

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises **as notified to, or witnessed by, the staff or management**
- (ii) Any incident involving controlled drugs (supply/possession/influence) on the premises **as notified to, or witnessed by, staff or management**
- (iii) Any other crime or criminal activity on the premises **as notified to or witnessed by, staff or management**
- (iv) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
- (v) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (vi) Any call for police assistance to the premises **made by staff or management**
- (vii) Any ejection from the premises
- (viii) Any first aid/other care given to a customer **with the exception of minor injuries or care for minor illness**

Challenge 25

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

Staff Training

Any staff employed at the premises will receive training **commensurate with their duties** by the Designated Premises Supervisor on first appointment. **Refresher training will be provided** ~~and~~ at least every three months thereafter. Training will include **the law in relation to** ~~input on~~ preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

Personal Licence Holder to be on Premise at All Times

A Personal Licence Holder must be present at the premises **after 20:00 hours whenever** ~~at all times~~ licensable activities, live music (amplified or unamplified), recorded music or any other types of entertainment (amplified or unamplified) are taking place.

Pubwatch

Where a Pubwatch scheme is in operation, the designated premises supervisor must be an active member of the scheme.

Active member is defined as someone who:

- (i) Attends a minimum of 50% of Pubwatch meetings between 1 January and 31 December annually. Attendance at Pubwatch meetings will be measured by the use of written records kept by the Chair and/or Secretary of the relevant Pubwatch group. When calculating whether 50% of meetings have been attended by the designated premises supervisor any meetings cancelled by the Chair/Secretary, or meetings cancelled for any reason out of the control of the designated premises supervisor will not be counted.
- (ii) Actively enforces all collective banning orders imposed by the Pubwatch group. The designated premises supervisor must ensure that any individual subject to a collective banning order by the Pubwatch group is not ~~allowed~~ **permitted** to enter (**where possible**) or remain on the premises. If a banned individual enters or attempts to enter the premises and attempts to remove them are unsuccessful, the designated premises supervisor must ensure that the police are contacted and asked to assist in removing the individual.
- (iii) Shares information with other members of the Pubwatch group. Whenever a banned individual is refused entry or removed from the premise, the designated premises supervisor must ensure that the other members of the pubwatch group are informed as soon as practicable.
- (iv) The designated premises supervisor must ensure that all members of staff are made aware of all individuals who are currently banned by the Pubwatch scheme. Staff must be regularly updated by the designated premises supervisor whenever individuals are added or removed from the list of banned persons.

~~Personal Licence Holder to be on Premise at All Times~~

~~A Personal Licence Holder must be present at the premises at all times licensable activities, live music (amplified or unamplified), recorded music or any other types of entertainment (amplified or unamplified) are taking place.~~

Door Age Policy

No persons under the age of 18 to be allowed entry to the premises at any time when it is open and operating.

Doors & Windows

To prevent noise nuisance, all windows and doors at the premise must be kept closed at any time when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is being performed at the premise, except to allow people to enter or exit.

Entertainment to be Inaudible

Noise generated by regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) must be **unlikely to cause a public nuisance within any noise sensitive premises in the immediate vicinity.** ~~inaudible at the nearest noise sensitive location.~~

Perimeter Inspections

The Designated Premises Supervisor must ensure that perimeter inspections are undertaken every hour when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of **regulated** entertainment (amplified or unamplified) is taking place. These inspections must be recorded in a book which must be made available for inspection to Local Authority Officers and Greater Manchester Police on request.

Notices to Customers

Notices requesting customers to leave quietly must be displayed in a prominent position next to each ~~entrance~~/exit. The Designated Premises Supervisor must ensure that customers are encouraged to keep noise to a minimum when leaving the premise.

Piers Warne
Legal Director
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Email dated 3/8/20

Having taken instructions, we are happy to your proposal on CCTV (adding Licensing authority).

In relation to door supervisors, we are happy to agree with retaining the condition as proposed, albeit we would ask why if there was agreement with police, the number could not be changed. In January for instance, premises often have little or no custom and having to have 2 door supervisors can be a real drain on resources. This is something we are trying to avoid having to deal with later on, especially as it looks like we are potentially heading into a recession with both Covid and brexit coming up.

In terms of having a personal licence holder on duty at all times, we would like to see if there is some compromise here. The reason being that we envisage situations where the personal licence holder may have to leave the site and go to the bank or cash and carry- or indeed may be ill at short notice. Closing the premises at such short notice could be both difficult and challenging and we just want to make sure that there is a little flexibility here.

Can I please propose the following:

Personal Licence Holder to be on Premise at All Times

A Personal Licence Holder must be **on duty whenever** live music (amplified or unamplified), recorded music or any other types of **regulated** entertainment (amplified or unamplified) are taking place. **Should this not prove possible because of short notice illness, a written record, such as email, text or social media message from the personal licence holder will be kept as a record of the reason and will identify the person nominally in charge in their absence.**

I look forward to hearing from you.

Kind regards

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