

SPEAKERS PANEL (LIQUOR LICENSING)

6 April 2021

Commenced: 10.00am

Terminated: 12.50pm

Present: Councillors Sweeton (Chair), Bowden and Quinn

In Attendance:	Mike Robinson	Regulatory Services Manager, TMBC
	Rebecca Birch	Regulatory Compliance Officer, TMBC
	David Joy	Legal Representative, TMBC
	Ashleigh Melia	Legal Services Officer, TMBC (observer)
	PC Thorley	Greater Manchester Police
	David Fisher	Applicant
	Local Residents	Submitted representations

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. MINUTES

The Minutes of the previous meetings held on 25 February 2021 were agreed as a correct record.

22. APPLICATION FOR A PREMISES LICENCE – THE BILLY GOAT PUBLIC HOUSE, 71-73 STAMFORD STREET, MOSSLEY, OL5 0JS

Consideration was given to an application for a premises licence for The Billy Goat Public House, 71-73 Stamford Street, Mossley, OL5 0JS.

Mr Robinson presented the report to the Panel and identified the steps available to the Panel in determining the application under the Licensing Act 2003.

Mr Robinson informed the Panel of the brief background to the application as set out in the report and summarised the representations received from:

- The Licensing Authority
- Greater Manchester Police
- Local residents (6)

It was explained that The Billy Goat Public House, 71-73 Stamford Street, Mossley, OL5 0JS was a former licensed premises. A site plan, including an up to date photograph of the premises, was attached at Appendix 1 to the report.

On 19 February 2021, the Licensing Office received an application from Mr David Warren Fisher for a premises licence at Billy Goat, 71-73 Stamford Street, Mossley OL5 0JS. The Applicant sought authorisation for licensable activities, namely the sale of alcohol for consumption both on and off the premises Monday to Sunday 12:00 noon – 12:00 midnight. A copy of the application was attached to the report to Panel.

The previous premises licence for the Billy Goat was revoked by the Speaker's Panel (Liquor) Licensing on 23 July 2020. The licence was revoked following the premises trading in clear breach of The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 coming into force on 21 March 2020 at 2:00pm which required pubs, bars, restaurants and other specified premises to close. On this date, the premises continued to trade, even after being told by police officers to ensure all customers leave and to close the premises. The decision letter following the hearing was appended to the report.

The former premises licence holder, Victor Bowers, subsequently appealed the decision of the Speaker's Panel (Liquor) Licensing however, the appeal was formerly withdrawn on 14 December 2020. Therefore, the licence was legally revoked from that date.

Upon receipt of the premises licence application, the Licensing Authority made enquiries with the Land Registry to determine the registered freehold owner of the premises. The result of this search showed that the owner was Christine Johnson. A copy of the Land Search was appended to the report.

The Panel was informed that the Licensing Manager, Mike Robinson, and Police Licensing Officer, Martin Thorley, visited the freehold owner of the premises, Christine Johnson, on 24 February 2021 who confirmed that Victor Bowers was the current leaseholder of the Billy Goat. Ms Johnson and other members of the family also confirmed that she had received no approach from Mr Fisher to transfer the lease into his name.

The Licensing Authority had received information that indicated that there was a family connection between the Applicant and the former licence holder and that the Applicant had also been involved in the running of the business prior to the licence revocation in 2020. In addition to the concerns regarding the connection between the applicant and previous licence holder, the Licensing Authority was also not satisfied that the current operating schedule supplied with the application would satisfactorily promote the licensing objectives if the licence was to be granted.

Mr Robinson referred the Panel to the Council's Statement of Licensing Policy and the Statutory Guidance.

Mr Fisher, the Applicant, then addressed the Panel and made the following submissions in support of the application:

- The applicant had worked in the hospitality trade for 17 years and had been a personal licence holder for 15 years. He had worked as a Deputy Manager at licensed premises.
- Mr Victor Bowers had no connection to him.
- Mr Fisher informed the Panel that he understood that Mr Bowers lease was to be ended or had been ended and Mr Bowers would be required to leave the premises in the near future.
- Mr Fisher proposed to relaunch the premises as a family friendly establishment.
- No real issues/concerns had been raised by the Police (outside of the Covid-19 issues in March 2020).
- Mr Fisher noted the concerns raised by local residents. He had no direct knowledge of these issues but understood that the premises must be managed effectively so as to avoid nuisance etc.

Ms Rebecca Birch, Regulatory Compliance Officer, Tameside MBC, then presented on behalf of the Licensing Authority. She read out the representation as submitted in the report to Panel.

PC Thorley presented a representation (appended to the report to the Panel) on behalf of Greater Manchester Police.

The following local residents then presented their representations to the Panel:

- Resident 1 (Representation at Appendix 7 to the report)
- Resident 2 (Representation at Appendix 8 to the report)

- Resident 5 (Representation at Appendix 11 to the report)
- Resident 6 (Representation at Appendix 12 to the report)

The residents amplified their representations and highlighted the following issues:

- It was about 10 years ago that it was run as a quiet local pub. There were no sufficiently detailed plans put forward by the Applicant to promote the licensing objectives and to avoid the issues that had arisen over recent years.
- Residents had a really difficult relationship with the pub over recent years. During the recent closures residents had been able to sleep better and now realised how much impact the issues with the premises had on their sleep over recent years.
- Doubts whether the premises were suitable for a family pub. There was no on street parking and the car park was not large. Residents doubted that the premises could accommodate large numbers without there being a negative impact on parking.
- With regard to outdoor music, local residents' gardens were adjacent to/nearby the premises. The potential for nuisance from the premises was high.
- The problems with the pub were greater than the Covid related issues. There were long standing issues with the premises with noise etc. over a period of time more associated with the type of premises and the clientele it attracted.
- Residents feared that there would be no change in how the premises were run. There was a lack of detail to show how the changes would be brought about.
- One resident had lived next to a pub previously with no issues as it was well managed. The Billy Goat had recently been a poorly run pub. On numerous occasions there had been illegal lock-ins during the lockdown.
- Residents had been disturbed by drunken customers late at night.
- The premises were poorly maintained and not equipped to play loud music without disturbing local residents.
- Residents would not welcome the pub re-opening, there were plenty of decent pubs in Mossley. There would have to be plenty of changes/investment to make this into the proposed family friendly pub.

Mr Robinson then summarised the following representations received from interested parties (i.e. those not in attendance at the hearing):

- Resident 3 (Representation at Appendix 9 to the report)
- Resident 4 (Representation at Appendix 10 to the report)

All parties were provided with the opportunity to ask questions in relation to the representations made.

All parties were invited to provide a brief statement in summary.

Members of the Panel then retired to carefully consider the written submissions, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

In determining this matter, the Panel had due regard to:-

- all oral and written evidence and submissions
- 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

The Panel determined the application pursuant to s18(3) of the Act having regard to the relevant representations and the requirement to take such steps as it considered appropriate to promote the licensing objectives.

In considering the appropriate steps the Panel noted the following key points:

- The premises were located close to residential premises. Local residents reported that there had been problems for some years with the premises, including general anti-social behaviour, loud music and noise (often late at night). The Panel were satisfied that there had been a serious impact on local residents arising from the poor management of the premises over a number of years.
- In March 2020 there were serious breaches of the Covid-19 restrictions.
- As a result of the Covid-19 breaches, the premises licence granted to Mr Victor Bowers was revoked following a Licensing Hearing in July 2020. An appeal against this decision was lodged but subsequently withdrawn in December 2020.
- The then licence holder remained the leaseholder of the premises (business and residential).
- There was no satisfactory evidence before the Panel that the Applicant would have a right to occupy the premises for business purposes going forward. The Panel considered that this was essential in the particular circumstances of this matter.
- The available evidence indicated that the Applicant had some connection to the previous licence holder including having previously worked at the premises.
- The Applicant's plans to overhaul the premises going forward and to avoid a repeat of the previous problems lack detail and clarity and appeared contradictory in part. There was a lack of specific and convincing detail regarding how the re-focus of the premises would be achieved and the licensing objectives would be met.
- The Applicant informed the Panel of his licensing history. However, no CV or similar record was provided. No business plan was provided. No written evidence (e.g. an email from the owner) confirming the lease proposal was provided.
- Accordingly, the Panel felt that the Application was premature.
- Having regard to the above, the Panel were not satisfied that the Applicant's proposals were sufficient to promote the licensing objectives specifically the prevention of crime and disorder and prevention of public nuisance.

The Panel considered all available options.

As stated, the Panel had real concerns in respect of the adverse impact that the premises have had on the local community and the breach of Covid-19 lockdown restrictions.

The Panel had considered whether the licence could be granted by the imposition of appropriate conditions and/or limits on proposed licensable activities.

However, on balance, having carefully considered all of the available information, the Panel had concluded that conditions and/or other restrictions would not be sufficient to promote the licensing objectives in this case due to the issues identified above.

STEPS TAKEN PURSUANT TO S18(4) LICENSING ACT 2003

The step that the Panel considered appropriate to promote the licensing objectives was to refuse the application for a premises licence.

It was noted that, (not part of the formal decision), whilst the Panel refused the application this did not mean that a future application would be refused. If a future application was to be made it would need to be more detailed and be very clear about what was being proposed and how the premises would be managed to promote the licensing objectives. Documentary evidence in support would assist with consideration of a future application to show how the premises would move forward from its recent history. An applicant should fully engage with licensing and the police and local residents in the application process in an attempt to find common ground.

The Panel thanked those attending the hearing for their contribution and assisting the Panel in reaching its decision.

RESOLVED

That the application for a premises licence be refused.