

SPEAKERS PANEL (LIQUOR LICENSING)

17 June 2022

Commenced: 10.38am

Terminated: 1.00pm

Present: Councillors Drennan (Chair), Bowerman and Gosling

In Attendance:

Ian Saxon	Director of Place, TMBC
Gemma Lee	Regulatory Compliance Officer, TMBC
Rifat Iqbal	Senior Solicitor, TMBC
Ashleigh Melia	Solicitor, TMBC
PC Foley	Greater Manchester Police
Inspector Swift	Greater Manchester Police (Part Meeting)
James Beevor	Applicant
James Hunt	Applicant's representative
Alan Davies	Applicant's friend

1. DECLARATIONS OF INTEREST

Councillor Bowerman declared, on the grounds of public interest, that she was acquainted with PC Wilson following involvement in a recent community clean-up event. She further declared that this did not prejudice her professional integrity in hearing the licensing application and reaching a decision with panel members.

2. MINUTES

That the Minutes of the meeting of the Speakers' Panel (Liquor Licensing) held on 6 December 2022 be approved as a correct record.

3. APPLICATION TO TRANSFER A PREMISES LICENCE AND VARIATION OF A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS THE DESIGNATED PREMISES SUPERVISOR - MOLLY MALONES, 4-6 GEORGE STREET, ASHTON-UNDER-LYNE, TAMESIDE OL6 6AQ

Mr Saxon presented the report to the Panel and identified the steps available to the Panel in determining each of the applications.

Mr Saxon informed the Panel of the brief background to each application as set out in the report and summarised the representation received from the Police.

The Premises Licence for Molly Malones, 4-6 George Street, Ashton-under-Lyne was surrendered by the previous licence holder on 25 April 2022. Section 50 of the Licensing Act 2003 allows for a surrendered licence to be reinstated where a valid transfer application is made no later than 28 days after the licence lapsed. A site plan, including an up to date photograph of the premises was attached at **Appendix 1** to the report.

On 3 May 2022, the Licensing Office received simultaneous applications for the transfer of the licence and variation of licence to specify an individual as a Designated Premises Supervisor (DPS). The applications were to transfer the Licence to Mr James Beevor and specify him as the DPS, with immediate effect in both cases. A copy of these applications were attached at **Appendix 2** to the report.

On 14 May 2022, the Licensing Authority received a notice from Greater Manchester Police objecting to the applications, including a detailed account of their reasons stating the grounds for being satisfied that the exceptional circumstances of the case were such that granting the transfer of licence to Mr Beevor would undermine the crime prevention objective. At the same time a notice was also submitted stating the grounds for being satisfied that the exceptional circumstances of the case were such that granting the applications to specify Mr Beevor as DPS would undermine the crime prevention objective. A copy of the notices and supporting information provided with those notices was attached at **Appendix 3** to the report.

On 25 May 2022, the applicant was notified of the representation received from Greater Manchester Police and invited to attend the hearing. In response to this notification the Regulatory Services Manager (Licensing) received communication via post from Mr Beevor on 31 May 2022 and by email on 8 June 2022, providing Mr Beevor's version of events. These letters were attached at **Appendix 4** to the report.

Between 10 and 14 June 2022, the Licensing Authority exchanged communications via email with Mr Beevor and his representative Mr James Hunt. The emails together with documents sent in by Mr Hunt and by PC Foley of Greater Manchester Police were attached at **Appendix 5** of the report.

The following submissions were made by the Applicant's (Mr Beevor's) representative Mr Hunt, in support of the Application:

- That Mr Beevor holds a personal licence however there is no basis for revoking the personal licence
- That Greater Manchester Police (GMP) have objected to both applications on the basis of:
 - A penalty notice for breaking lockdown regulations;
 - Fare dodging;
 - An allegation/charge of common assault in respect of an incident on 12 May 2022; and
 - Allegations that the applicant and the premises were in an unclean and unhygienic state on 12 May 2022
- That the public house was not open for business on 12 May 2022
- That none of the above would or can form the basis of legal proceedings to revoke Mr Beevor's personal licence
- Even if Mr Beevor was to be convicted of common assault, that would not be a ground to revoke his personal licence
- That Mr Beevor denies the charge of common assault
- Why then was Mr Beevor asked to attend Speaker's Panel to decide if he is to be allowed to open and run Molly Malone
- In what society was a man to be ruined financially when faced with unproven allegations that if proved would not disqualify him from being a publican
- Mr Hunt stated the Local Authority believes that the Police have "carte blanche" to introduce any evidence to support their objection
- That the core issue is that there is no basis to justify Mr Beevor from the right to be a publican
- That in the opinion of Greater Manchester Police, Mr Beevor can be a publican in theory but cannot be a publican of Molly Malone
- That legal proceedings of misfeasance in the public office will be needed to establish why Greater Manchester Police are so concerned that Mr Beevor should not be the publican of Molly Malone
- That this is a case of "autocratic police overreach" and an "ignorant disregard of common humanity and of the Rule of Law in a civilised society"
- Mr Hunt stated he has asked the Chief Constable of Greater Manchester Police and his assistant superintendent if the Chief Constable gave his authority for the issue of the objection notice and that the Chief Constable's silence "has been deafening"
- That PC Foley evidently believes he has the Chief Constable's authority to speak for him

- Mr Hunt stated with reference to the Police and who is at fault it must first be clear how this “monstrous position has been reached”
- Mr Hunt questioned how in a civilised society we “could be witnessing this travesty of human rights and common humanity”
- Mr Hunt stated with reference to the Human Rights Act 1998 and that all citizens:
- Have a right to a fair trial
- Have a right to protection of property, and to peaceful of one’s “possessions”
- That Mr Beevor’s “possession” is his right to occupy and run Molly Malone
- Mr Hunt questioned whether it can be the legal position that these two rights exist in legal theory but not in reality
- That Mr Beevor can have his fair trial at the Crown Court in a year and in the meantime Greater Manchester Police have destroyed his business and finances by “extra-judicial police diktat” questioning whether this can be so
- That to understand how the “abomination of this question comes to be asked, we must understand the incidious way that the fascist state is born and takes fight”
- That the licensing laws prior to 2003 did not suit “big business” and that the big brewers and big pub chains must have hated the pre “DPS world”
- Lay Magistrates who knew a locality decided cases on the good character of the publican: one man or one woman who were charged with opening the pub to ensure good order and local happiness
- That this system must have favoured the “little man” and “little woman” over the corporation.
- Mr Hunt questioned whether, if big pubs fell out with its licence manager, they would find their pub closed until the next quarterly session of the licensing magistrates
- That a new system must have been conceived that would ensure bureaucratic efficiency
- That the council would exercise quasi-judicial process and that a Speaker’s Panel with suitable legal advice would make the decision
- Mr Hunt questioned whether this was wise or sensible and whether it was compatible with the Human Rights Act 1998
- That it is the duty of all Tribunals to interpret legislation to succeed with principles of the European Convention of Human Rights
- That the Tribunal under advice from Rifat Iqbal could end the proceedings speedily and that it can throw out the “outrageous police diktat objection” to the transfer and variation
- Mr Hunt queried whether Rifat Iqbal felt that such a robust recommendation and interpretation of the law is “not for her” but thinks it is for the men and women of the Speaker’s Panel, men and women who are not versed in the law and practice of the courts
- That the laws of evidence and hearsay and the importance of evidence being given under oath are not the bailiwick of the Panel Members – it must be assumed
- Mr Hunt referred to the years 1939-1945 and 1215 and stated the fact that the European Convention of the Human Rights was adopted by our civilised nationals in 1948. The horrors and abomination of the Second World War had given men and women dreadful issues in fascism
- Mr Hunt referred to the Nazi party coming into power in Germany lawfully before the Fuhrer by emergency orders over time, “laid the foundations for tyranny and genocide”
- that Mussolini described fascism as the state and corporations working together and questioned whether, with the history of the 2003 laws now understood, can any of us deny that provenance.
- what we are to conclude given that that lockdown penalties are seemingly to count against Mr Beevor in the opinion of Greater Manchester Police
- that the Prime Minister and the Chancellor of the Exchequer of the United Kingdom of Great Britain and Northern Ireland are safe in office despite a flagrant breach of lockdown regulations but that Mr Beevor is to be prohibited from running Molly Malone
- That the Metropolitan Police can turn a blind eye but that the Greater Manchester Police can destroy the “little man” but that Mr Beevor is not a little man and that he is a free man of England

- That all are equal under the law and have been from 1215
- That England expects that Rifat and the members of this Speakers Panel will do their duty

The legal advisor to the Panel requested Mr Hunt to keep his submissions relevant to the applications before the Panel. Mr Beevor wanted to address the Panel with submissions that he had put in writing and sent prior to today's hearing to the licensing authority. Mr Beevor was directed to the report and written submissions contained at Appendix 4. Mr Beevor informed the Panel he had not seen the report that was before the Panel.

Council officer Carolyn Eaton, confirmed a copy of the report with complete agenda pack for today's Panel hearing had been sent out to Mr Beevor's representative, Mr Hunt.

The Panel adjourned the hearing at 11:10am to enable Mr Beevor to cross reference his papers that he had brought with him against the papers contained at appendix 4 of the report.

The Panel resumed hearing the application at 11:25am

The following submissions were made by the Applicant, Mr Beevor in support of his applications:

- The Panel were referred to **Appendix 4** of the report comprising of Mr Beevor's written representations
- Mr Beevor stated he was frightened for his life from the previous tenants attending at the premises who appeared to be career criminals
- The bailiffs were dressed in plain ordinary clothing and Mr Beevor was not convinced of their role as they were not wearing high vis jackets. Mr Beevor stated he was happy to put things aside and had called the Police first.
- Mr Beevor stated he was cleaning the pub and it was like a construction site on the day, 12 May 2022 and had worked a long time to save money for the premises lease
- Mr Beevor stated a lot of petty minded things had been put against him however the Prime Minister had breached the lockdown rules and it didn't seem right to Mr Beevor then being held to account.

Mr Hunt was given a further opportunity to put forward any further matters:

- Three intruders had arrived at the premises on 12 May 2022, who had not identified themselves
- These intruders did not identify themselves, Mr Beevor proceeded to call 999
- Before the Police had arrived at the premises Mr Beevor proceeded to show his lease for the premises to the persons attending and demonstrate that he was not liable for the gas charges
- The Police arrived at the premises and proceeded to handcuff Mr Beevor
- Mr Beevor was not questioned at the premises. The bailiffs would have left and the Police would have done if only they had asked questions of Mr Beevor

The following submissions were made by PC Foley on behalf of Greater Manchester Police:

- PC Foley requested the Panel disregard the previous offences cited in the Police representation
- Following the arrest of Mr Beevor the Police had no option but to submit a representation
- The Police believe there were exceptional circumstances giving rise to the representation being submitted
- PC Foley stated the Police believe it would put the public at risk should Mr Beevor be granted the licences
- PC Foley stated the Police need to be satisfied Mr Beevor is of good character.
- Running a pub is a challenging job in a challenging environment and would require the designated premises supervisor to run it in an appropriate manner.
- PC Foley stated he had been unable to locate any call from Mr Beevor to the Police and had only located a phone call from the bailiffs to the Police requesting assistance on 12 May 2022 at the premises

- PC Foley stated Mr Beevor had admitted to constructing the weapon, the Police have photos and is part of an ongoing investigation, which could be shown to the Panel
- PC Foley stated he would risk being highly criticised if he had not made representations and something happened at the premises

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.

DECISION / REASONS

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 applications to Transfer and Vary the Premises Licence to Specify an individual as the Designated Premises Supervisor pursuant to section 42 of the Act and section 37 of the Act having regard to the relevant representations and the requirement to take such steps as it considers appropriate to promote the licensing objective of prevention of crime and disorder being relevant to this application.

The Panel have not taken into consideration any previous convictions against Mr Beevor and the state of the premises on 12 May 2022.

The key points identified by the Panel are as follows:

1. on 12 May 2022 the public house was not open for business;
2. on 12 May 2022 Mr Beevor had in his possession a knife on a pole that was seen by the bailiffs and seized by the Police from the premises;
3. Mr Beevor does not accept any wrongdoing of having in his possession a knife on a pole. Mr Beevor explained he had this out of fear of 'career criminals' breaking into his premises;
4. Mr Beevor stated he had made a call to the Police on 12 May 2022 seeking their assistance out of fear when he believed that someone was attempting to break into his premises, PC Foley stated he had been unable to find any call log from Mr Beevor;
5. PC Foley believes it is likely the licensing objective will be undermined if the licence is granted given Mr Beevor had armed himself with a weapon in the premises that he had put together being a knife taped to a pole;
6. The Panel heard Molly Malone's is a pub in a busy town centre and noted PC Foley's concern in relation to how would Mr Beevor react in a challenging or situation of conflict.

It was not for the Panel to make findings in relation to guilt or innocence.

However, the Panel can be confident that Mr Beevor had a weapon in his possession on the premises being a knife taped to a pole.

The Panel were satisfied there had been exceptional circumstances giving rise to the Police objection.

The Panel in reaching their decision noted the premises was not open and trading at the time however there was a likelihood that the crime and disorder objective would be undermined if the licences were granted. The Panel was satisfied that the crime and disorder objective had been engaged.

The Panel must have confidence that Applicants are able to conduct themselves in a manner to safeguard and uphold the licensing objectives and not seek to take the law into their own hands.

The Panel had considered the options available.

On balance, having carefully considered all of the available information, the Panel decided that the applications to Transfer and Vary the Premises Licence to Specify an individual as the Designated Premises Supervisor be refused to ensure the safeguarding of the prevention of crime and disorder licensing objective

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

RESOLVED

That the applications to Transfer and Vary the Premises Licence to Specify an individual as the Designated Premises Supervisor be refused.

CHAIR