

SPEAKERS PANEL (LIQUOR LICENSING)

15 July 2024

Commenced: 10.00 am

Terminated: 12.30 pm

Present: Councillors Drennan (Chair), Quinn and Colbourne

Officers In Attendance: Mike Robinson Regulatory Services Manager (Licensing),
Tameside MBC
Aileen Johnson Senior lawyer, Tameside MBC

In Attendance: PC Craig Foley GMP
Rebecca Birch Licensing, Tameside MBC
Persons making representations
Lee Bayley Premises Licence Holder, Crown Point Tavern
Marie Tunney Designated Premises Supervisor, Crown Point
Tavern
Members of the Press

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. APPLICATION FOR A REVIEW OF A PREMISES LICENCE – CROWN POINT TAVERN, 16 MARKET STREET, DENTON, M34 2AW

Mr Robinson, Regulatory Services Manager, informed the Panel of the legislation under which the Review could be held, and identified the steps available to the Panel in determining the Review, under Section 52 (3) of the Licensing Act 2003. The steps mentioned in subsection (4) were: -

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding 3 months;
- (e) to revoke the licence.

The Licensing Act 2003 (hearings) Regulations 2005 and the Guidance issued pursuant to s182 of the Licensing Act 2003 set out the procedure for the hearing.

Mr Robinson informed the Panel of the background to the application, as set out verbatim in the Report, and summarised the representations received from: -

- Greater Manchester Police (Appendix 3 and 10)
- Licensing, Tameside MBC (Appendix 9)
- Members of the public (Appendix 11, 12 and 13)

He emphasised that in particular, Rebecca Birch, Licensing Officer and PC Foley, Greater Manchester Police (GMP) had attended the premises on 4 April 2024 to carry out an inspection and a number of breaches were noted (Appendix 4).

On 24 May 2024 an assault happened outside the premises, where a 12 year old female was assaulted by another 12 year old female. The suspect was the daughter of the Premises Licence Holder and the Designated Premises Supervisor. Footage was requested from the Premises Licence Holder but was not provided. The assault was filmed by bystanders and uploaded to social

media. The Premises Licence Holder denied filming the assault. The Designated Premises Supervisor was filmed apparently stopping a member of the public from intervening in the assault.

In addition, Council CCTV captured footage outside the premises, which was part of an ongoing police investigation, and which was therefore required to be viewed in private.

He informed the Panel that GMP had requested a review of the Premises Licence for Crown Point Tavern on 3 June 2024.

PC Foley then addressed the Panel and explained that the application to review the Premises Licence related to a serious incident on 24 May 2024 outside the Crown Point Tavern, which was captured on video. In essence, the daughter of the Premises Licence Holder and the Designated Premises Supervisor could be seen actively fighting with another girl, with the upper hand, apparently being encouraged by her father and mother, with her mother physically restraining a member of the public who had tried to intervene. The incident was not recorded in the incident book.

Further concerns were expressed from Council CCTV cameras capturing footage of 22 June 2024 between 02.00 am and 03.20 am showing the Crown Point Tavern open, the shutters up, lights on and the front door open. Customers were entering and leaving the premises, using canisters and inhaling from balloons, and drinking. The footage showed that the Premises Licence Holder was present.

PC Foley requested the hearing go into private session to view some of the CCTV footage.

At this juncture, with reference to Schedule 12A of the Local Government Act 1972 (as amended) and Regulation 14 of the Licensing Act 2003 (Hearings) regulations 2005, the press and public were excluded on the grounds that, having applied the public interest test, the hearing or part of it, being in public was outweighed by the public interest in the hearing or part of being held in private.

Following the viewing of the CCTV footage, the Hearing returned to public, and the press and public were readmitted to the meeting with an opportunity for all relevant parties present to ask questions of GMP's representation.

In response to questions, PC Foley stated that he believed that the Premises Licence Holder and Designated Premises Supervisor were not meeting any of the four licensing objectives of public safety; prevention of crime and disorder; prevention of harm to children; public nuisance. He said that he had tried to assist the Premises as they were new and had some learning to do, hence the inspections.

Ms Birch, Regulatory Compliance Officer, then addressed the Panel and confirmed her evidence as appended to the Report.

She confirmed that she had attended the premises on 4 April 2024 to carry out an inspection with PC Foley. She said that she noted that there were a number of breaches, including no Premises Licence Holder on site, no CCTV, no staff training or book being used, toilet checks not being done, they were not a member of Pub Watch.

She concurred with PC Foley's representations.

Meeting attendees were provided with the opportunity to ask questions, during this point the Premises Licence Holder took issue with a number of her representations.

A member of the public, who had submitted a representation, then read out a statement she had written for the hearing. She confirmed her daughter was the victim in the footage. She questioned that the Licence Holders had capacity as competent licence holders and outlined the effects of the incident on her daughter.

Meeting attendees were provided with the opportunity to ask questions.

The Designated Premises Supervisor then addressed the Panel and said that on 24 May 2024 they had been to the Cash and Carry, and on arriving back believed they saw the victim come across the Square towards the Crown Point Tavern. She stated that they have 9 children, 2 of which were at university. She said that day had been blown out of all proportion and that the victim had started the assault and she went over to diffuse the situation.

The Premises Licence Holder talked about his daughter being bullied at school and it had been on social media. He said that Social Workers were involved. He said that he had bought the pub in February this year for their family and to help their daughter who had recently come back from South Korea. He stressed that he needed his licence to support his family.

He stated that he had intervened in the incident at the earliest opportunity to stop the fight, without it getting physical. He said that his daughter did not assault anyone, she was attacked and won. He described how the girls had previously become friendly after their mothers became friendly at the primary school playground; when they fell out the bullying of his daughter started. He expressed remorse for everything that had happened and said that he wanted to move on, stressing that social media had played a big part in this.

When questioned with regard to the outside drinking, he said that he was not aware they were doing so, or anything else, and claimed that no-one had been drinking alcohol after 11 pm. He stated that he had been led to believe that he was allowed to have a private party, although accepted he had not applied for a licence for it. He stated that he was dealing with matters in the cellar as this was his only opportunity during the course of the week to do so due to work commitments. He said that the business was not about drugs and that they were not that sort of pub, adding that he did not drink himself.

He said that the Tavern seemed to have a lot of stipulations on it compared to other nearby premises, including Pub Watch, which he had initially thought was bad for trade but now realised it was not and it could be beneficial. He said that he wanted a clean slate and if he got to keep his licence, he would be a good landlord and could offer the Police and Licensing Authority a willingness to work together. He said that the Market Square and the park were popular with children, who spread across the front. He said the last Designated Premises Supervisor was always calling the Police, but he did not want to waste police time.

The Regulatory Services Manager asked the Premises Licence Holder about the four Licensing objectives (public safety; prevention of crime and disorder; prevention of harm to children; public nuisance) and how the incidents described promoted these objectives. The response was it had been blown out of all proportion, the Premises Licence Holder agreed that he had completely failed and was throwing himself on their mercy. He said that his personal circumstances had suffered because of what had happened. With regard to other incidents, he knew the premises were under review, which he stated made everything so much harder.

He explained that he had bought the pub for his wife and the family and would have handed it to his daughter, who had just come back from Korea and was business minded.

The member of the public asked to clarify some details with the Premises Licence Holder and stated that she was in Chester when her daughter was assaulted.

Panel Members asked about the late-night drinking; the Premises Licence Holder responded that the customers were friends/work colleagues of his (in excess of 20 people) who he had invited to come back to the pub to play darts. Panel Members expressed concerned that at 2.30am they were outside drinking with bottles in their hands, and it was his responsibility to know what they were doing, to which he responded that he said he had not been functioning on all cylinders. He said he had come out from the cellar to have a cigarette and had gone in to finish the job, he did not even

remember acknowledging them doing anything untoward. He stated that it was “a lad’s 25th birthday” so he had invited them all to his premises, they had balloons that said “25”. He said that he had not put “2 and 2 together” until he saw the Licensing Officer’s statement. He said that he had been unaware that nitrous oxide was classed as a drug as he had been raising his family. He said that he had stopped serving at 11pm and thought people could stay until midnight to finish their drinks; the Regulatory Services Manager reminded him that his licence opening hours were until 11pm to which he responded, “it’s a learning curve”.

Panel Members asked about the impact on local residents and were informed that no residents lived above or on the Square, that all areas were commercial and there was a gym above the premises and nothing above the carpet shop next door. He said that he did not have any CCTV footage and it was all in his witness statement, he was telling the truth, his daughter did not attack anybody she was attacked and won.

Panel Members asked for clarification with regard to the two supporting statements and was told that the lady was a customer.

The Panel heard brief closing submissions from all parties with the Premises Licence Holder and their representative given the final say.

The Regulatory Services Manager said they were not here to focus on what happened between the two children, nor to determine any criminal offence. It was about the licensing objectives, which in his view had been undermined, and he outlined the steps available to the Panel.

PC Foley said it was very rare to have all four licensing objectives not adhered to. He would encourage revocation as neither the Premises Licence Holder nor the Designated Premises Supervisor, in his view, could adhere to the four Licensing objectives going forward.

The Licensing Officer said that all confidence had been lost, she could not see how the Premises Licence Holder or the Designated Premises Supervisor could promote the licensing objectives going forward.

The Premises Licence Holder and the Designated Premises Supervisor said “We have a different demographic, old boys come in during the day for a couple. The only radar they have got, they go nowhere else”. They said that they had the lease for another 4.5 years and would be on the Square for the foreseeable. They said they were nice people, never had any trouble and drugs would be stamped out. They stated that the handover period with the previous Designated Premises Supervisor had impacted their learning.

With regards to working with the responsible authorities, they said that they had “locked horns” on Pub Watch as the premises had a lot of stipulations compared to other local premises and they felt targeted as a brand-new business. The Premises Licence Holder said that they wanted to get rid of the licence and get a new one, to which PC Foley had replied that he would object anyway. The Premises Licence Holder stated that they had since realised that being a member of Pub Watch would be beneficial, having originally believed that it would stop customers visiting the premises. He added that if he got to keep the licence, he would join the scheme.

The Premises Licence Holder said that they had diffused problems elsewhere, not on site, and that the last Designated Premises Supervisor had advised him to “always call the Police” but he did not want to waste their time.

In conclusion, the Premises Licence Holder offered everyone present a commitment to work together.

Members of the Panel then retired in private to carefully consider the written submissions, representations and questions and answers during the hearing in addition to all of the information

provided. The Panel were accompanied by the Legal Representative and the Senior 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: -

- the Report to Panel
- the application and representations received
- 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 section 52(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.

The Panel considered all available options.

The Panel determined that they had no confidence in either the Premises Licence Holder or the Designated Premises Supervisor. The Panel were very concerned that neither of them appeared to have an idea about the licensing objectives or displayed any real remorse for what had happened. They noted that all of the licensing objectives had been breached.

Therefore, on balance, having carefully considered all the available information, the Panel unanimously decided that the licensing objectives were best achieved by revoking the licence.

RESOLVED

That the Premises Licence be revoked.

13. DATE OF NEXT MEETING

RESOLVED

That it be noted that the next meeting of Speakers Panel (Liquor Licensing) scheduled for 18 July 2024 has been postponed and will now take place on 6 August 2024.

CHAIR