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| <b>Report to:</b>                                                                                                            | <b>SPEAKERS PANEL (LIQUOR LICENSING)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Date:</b>                                                                                                                 | 6 August 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Reporting Officer:</b>                                                                                                    | Emma Varnam – Assistant Director, Operations & Neighbourhoods                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Subject:</b>                                                                                                              | <b>APPLICATION FOR A REVIEW OF A PREMISES LICENCE –<br/>DECADES HEAVEN &amp; HELL, 91 MARKET STREET,<br/>STALYBRIDGE, SK15 2AA</b>                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Report Summary:</b>                                                                                                       | Members are requested to determine the application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Recommendations:</b>                                                                                                      | <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"> <li>a) Modify the conditions of the licence</li> <li>b) Exclude a licensable activity from the scope of the licence</li> <li>c) Remove the designated premises supervisor</li> <li>d) Suspend the licence for a period not exceeding 3 months</li> <li>e) Revoke the licence</li> </ul> |
| <b>Corporate Plan:</b>                                                                                                       | Living Well – Improve satisfaction with local community.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Policy Implications:</b>                                                                                                  | Members are provided with policy guidelines to assist in the decision making process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Financial Implications:<br/>(Authorised by the<br/>statutory Section 151<br/>Officer &amp; Chief Finance<br/>Officer)</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Legal Implications:<br/>(Authorised by the<br/>Borough Solicitor)</b>                                                     | 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.                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Risk Management:</b>                                                                                                      | Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Access to Information:</b>                                                                                                | The author of the report is Mike Robinson, Regulatory Services Manager (Licensing).                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Background Information:</b>                                                                                               | The background papers relating to this report can be inspected by contacting Mike Robinson:                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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## 1. INTRODUCTION

- 1.1 Section 51(1) of the Licensing Act 2003 outlines the procedure whereby a Responsible Authority may apply to the Licensing Authority for a Review of a Premises Licence.
- 1.2 Section 52(3) of the Licensing Act 2003 states that the Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 1.3 The steps mentioned in subsection (4) are: -
- (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.

## 2. INTRODUCTION

- 2.1 Decades Heaven & Hell, 91 Market Street, Stalybridge, SK15 2AA is a licensed premises, Mr Ian Whittaker has been the Premises Licence Holder since 25 January 2008. A copy of the premises licence is attached at **Appendix 1**.
- 2.2 A site plan, including an up-to-date photograph of the premises is attached at **Appendix 2**.
- 2.3 The current licensable hours relating to the premises licence are: -

| <b>Sale by retail of alcohol</b> |               |
|----------------------------------|---------------|
| Monday – Wednesday               | 11:00 – 01:00 |
| Thursday – Sunday                | 11:00 – 03:00 |
| Christmas Eve & New Years Eve    | 11:00 – 03:00 |
| <b>Regulated entertainment</b>   |               |
| Monday – Wednesday               | 11:00 – 01:00 |
| Thursday – Sunday                | 11:00 – 03:00 |
| Christmas Eve & New Years Eve    | 11:00 – 03:00 |

- 2.4 On 17 May 2024, the Licensing Authority received a review application for Decades Heaven & Hell, 91 Market Street, Stalybridge, SK15 2AA from Greater Manchester Police. The review application is attached at **Appendix 3**.
- 2.5 On the 27 January 2024, a customer was assaulted outside of the premises following a dispute with another customer inside the premises. Both customers were ejected at the same time by door staff. The door staff then did not manage the situation outside which lead to the assault.
- 2.6 On the 17 February 2024, CCTV cameras located on Market Street, Stalybridge monitored by Tameside MBC captured a female on Market Street amongst customers of Decades bleeding and in distress.
- 2.7 On the 27 February 2024, following the incident on the 17 February, TMBC Licensing Officer Loni Davies and Police Licensing Officer PC Craig Foley arranged to visit Decades and met with Designated Premises Supervisor (DPS), Mr Christopher Thompson. The premises' CCTV footage was viewed and this showed the female was assaulted upon exiting Decades by another female outside of the premises. This incident was not recorded in the premises incident book.

- 2.8 On 16 March 2024, an incident involving customers from Decades spills out onto Market Street, Stalybridge. Door Supervisors employed at the premises can be seen clearly making no attempt to stop the incident or diffuse the situation.
- 2.9 On the 27 March 2024, a meeting was held with Premises Licence Holder, Mr Ian Whittaker, PC Craig Foley and TMBC Licensing Officers Loni Davies and James Horton, to discuss recent incidents and the increase in crime and disorder occurring at Decades. During this meeting, Mr Whittaker was advised to speak to door staff employed by the premises around action they should be taking to prevent such incidents happening in the future. Mr Whittaker was also advised to discuss the incidents and advice given directly with the DPS. Mr Whittaker also suggested to use barriers to cordon off a smoking area and to reduce the amount of customers outside.
- 2.10 A letter was sent to Mr Whittaker following the discussion, highlighting the agreed measures. Within the correspondence, Mr Whittaker was reminded of his responsibility to ensure effective promotion of the licensing objectives. A copy of this letter is attached at **Appendix 4**.
- 2.11 On the 26 April 2024, PC Foley and TMBC Licensing Officer Rebecca Birch visited the premises. During the visit, Mr Thompson the DPS for Decades, stated he had no knowledge of the agreements made regarding the premises at the meeting held on the 27 March 2024 or any agreement relating to barriers being used to help contain customers from the premises. There were no barriers in use at the premises during this visit.
- 2.12 On the 30 April 2024, Mr Whittaker was given a second letter from PC Foley reiterating the agreements made at the meeting on the 27 March and expressing disappointment that these had not been implemented following the findings of the recent visit. A copy of this letter is attached at **Appendix 5**.
- 2.13 Since the meeting with Mr Whittaker, on the 27 March 2024, there have been a further six incidents involving the premises recorded between this date and the 6 May 2024 detailed below.

| <b>Date</b>   | <b>Incident</b>                                                                                                   |
|---------------|-------------------------------------------------------------------------------------------------------------------|
| 10 April 2024 | Two females fighting inside the venue, and continue to fight outside once they were ejected by bar staff together |
| 20 April 2024 | Assault occurring at a nearby takeaway after customers left Decades very intoxicated                              |
| 21 April 2024 | Door staff assaulted after refusing intoxicated female entry                                                      |
| 28 April 2024 | Assault outside the premises                                                                                      |
| 3 May 2024    | Four crimes reported to GMP of serious assaults involving individuals on Pub Watch as well as GMP officers        |
| 6 May 2024    | Assault on a customer who was beaten unconscious, involving an individual on Pub Watch                            |

### **3. REPRESENTATIONS & EVIDENCE SUBMITTED**

- 3.1 **Greater Manchester Police**  
In addition to the review application, a supporting statement has been received from Police PC Craig Foley on behalf of Greater Manchester Police. This statement is attached at **Appendix 6**.
- 3.2 **TMBC Licensing Authority**  
A representation has been received from James Horton on behalf of TMBC Licensing Authority. This is attached at **Appendix 7**.

### 3.3 **TMBC Councillors**

A representation has jointly been received from Stalybridge North Ward Members; Cllr Christine Beardmore and Cllr Adrian Pearce. A copy of this is attached at **Appendix 8**.

### 3.4 **Public Representations**

Three representations have been received from members of the public. These are attached at **Appendix 9, 10 and 11**.

### 3.5 **CCTV Footage**

CCTV footage obtained from both Tameside MBC monitored CCTV cameras and Greater Manchester Police for the following dates are attached at **Appendix 12**.

- 27 January 2024
- 17 February 2024
- 16 March 2024
- 10 April 2024
- 21 April 2024
- 3 May 2024
- 6 May 2024

## 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 2022-2027 published pursuant to s5 of the Licensing Act 2003.

4.2 The current guidance issued by the Home Office under section 182 of the Licensing Act 2003 deals with the Powers of a Licensing Authority on the determination of a review, with particular attention being drawn to sections 12.22, 12.23 and 12.24, where a Licensing Authority considers action under its statutory powers.

*12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).*

*12.23 In making its final determination the steps the licensing authority can take are:*

- *the modification of the conditions of the premises licence;*
- *the exclusion of a licensable activity from the scope of the licence;*
- *the removal of the designated premises supervisor from the licence;*
- *the suspension of the licence for a period not exceeding 3 months; and*
- *the revocation of the licence.*

*12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.*

**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 front of the report.