

LICENSING ACT 2003 – AS AMENDED

Representation Re Variation Application for a Premises Licence

From:	The Licensing Section, Tameside Metropolitan Borough Council
To:	The Licensing Section, Tameside Metropolitan Borough Council
Date:	27 November 2019
Premises:	White House, 1 Water Street, Stalybridge, SK15 2AG
Date of Application:	31 October 2019

The Licensing Authority, in its capacity as a 'Responsible Authority' under the provisions of the Licensing Act 2003, hereby give notice of our objection to the grant of a variation of a premises licence in respect of the above premises.

The reason(s) for the objection are as follows:

Since May 2018 to present, the Licensing Department has received 19 complaints regarding excessive noise coming from the beer garden of the White House Public House. Several visits were made to the premise by officers to notify the DPS, Gill Armstrong, of these complaints. During these visits, the DPS assured officers that live music would not be played past midnight and that she would monitor noise levels. However, complaints from local residents continued to be made to the Licensing Authority. In addition, the Premise Licence Holders, Hydes Brewery, were also written to with notification of these complaints.

Following these visits, the Licensing Department continued to receive complaints that the White House were hosting live bands, which were playing loud music out into the beer garden, causing disturbance to local residents.

Paul Jefferies, Production and Distribution Director from Hydes Brewery, was invited to the Council Offices to discuss the issues and a solution moving forward on 4 July 2019. A number of conditions were presented to Paul Jefferies that the Licensing Department felt would aid the DPS in the promotion of the Licensing objectives. Further, Mr Jefferies was advised that if the complaints regarding noise continued to be received consideration would be given to serving a noise abatement notice. The agreed conditions were to be added to the licence by way of a Minor Variation application. This application was never received by the Licensing Department.

More recently, the Greater Manchester Police Licensing Officer, Martin Thorley received several reports of underage patrons congregating in the beer garden of the premise. They are unable to be challenged due to the easy access to the beer garden from Water Street.

On Friday 15 November 2019 at approximately 23.30pm an incident occurred in which a customer of the pub was struck over the head with a glass bottle in the beer garden, the DPS has proven very difficult to deal with when asked to produce CCTV footage of the incident, being obstructive and confrontational. Accusations about officers targeting the pub and looking for issues were made by the DPS during visits. On a visit by officers Brad Byrne and James Horton on Thursday 21 November 2019 to view CCTV footage, the DPS became very irate and swore loudly, when asked if she could not swear at the officers, she proceeded to say "I'll fucking swear if I want too, I fucking live here".

Over the past 12-18 months, the management of this premise have failed to promote the Licensing objectives and the application to increase the licensable area will exacerbate these concerns.

Consequently, we recommend that the application should only be granted subject to the following being Conditions attached to the grant of the Licence:

--

Proposed Conditions for Whitehouse, Stalybridge

Prevention of noise breakout from premises

- 1. No music (amplified or unamplified) shall be played or relayed into the outside drinking area after 9pm.**
- 2. 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.**
- 3. While live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by any Local Authority Officers or Greater Manchester Police.**

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. The outside drinking area at the rear of the premises will also be covered by CCTV at all times.

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.

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.

Pubwatch

Where such a scheme is in operation, the Designated Premises Supervisor must be an active member of a local Pubwatch scheme or equivalent.

The Council will continue to actively encourage holders of premises licences and designated premises supervisors to attend their local Pubwatch groups, and to set up such groups where they do not currently exist. Members are encouraged to take a “barred from one, barred from all” approach in dealing with disruptive customers. Pubwatch members will also be encouraged to subscribe to the Pubwatch online service which allows members to share photographs and information about barred members whilst remaining compliant with data protection legislation.

Use of Polycarbonate GlasswareAll glassware used in the premises beer garden must be of Polycarbonate type. Any drinks served in bottles must be in plastic bottles only. All drinks from glass bottles to be decanted into polycarbonate containers.

Door Staff

A minimum of 2 SIA registered door supervisors shall be employed at the premises on Friday and Saturday nights and also New Years Eve from 9.00 pm until 20 minutes after the premises closes. Door supervisors will wear high visibility armbands.

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

A copy of this representation has been sent to the applicant.

Signed: B. Byrne

Name: Brad Byrne
Regulatory Compliance Officer