

<b>Report to:</b>	<b>Speakers Panel (Liquor Licensing)</b>
<b>Date:</b>	Tuesday 25 February 2020
<b>Reporting Officer:</b>	Emma Varnam – Assistant Executive Director Operations & Neighbourhoods
<b>Subject:</b>	<b>APPLICATION FOR A REVIEW OF A PREMISES LICENCE – ROYAL OAK, 23 NOOK LANE, ASHTON-UNDER-LYNE, OL6 9HN</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:</b> (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	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:</b> (Authorised by the Borough Solicitor)	Any decision to revoke 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. REPORT

- 2.1 The Royal Oak, 23 Nook Lane, Ashton under Lyne, has held a premises licence with this Authority since 24 November 2005. The premises licence holder is Admiral Taverns and the Designated Premises Supervisor (DPS) is Bernadette Corcoran, who has been in place at the premises since 9 April 2019. A copy of the premises licence is attached at **Appendix 1**.
- 2.2 Since May 2019, the Council's Regulatory Services Department has received 4 complaints from members of the public regarding disorder and anti-social behaviour associated with the premises. Details of these complaints are attached at **Appendix 2**.
- 2.3 On 25 June 2019 a compliance visit was conducted at the premises following receipt of a complaint that that licensable activities were being carried on beyond the authorised hours and that drugs were being openly used within the premises. At the time of the visit the DPS was unable to access the CCTV footage, concerns were raised with Admiral Taverns regarding the management of the premises and a further visit was arranged with Admiral Taverns Business Development Manager, Tony Sullivan.
- 2.4 On 10 July 2019, Licensing Officers met with Mr Sullivan at the premises to discuss the complaint and review the CCTV footage. Limited footage was provided which did not cover the times requested, however the footage supplied was sufficient to confirm that the sale of alcohol was taking place after licensable hours. Further, customers were also seen to be dealing drugs and smoking inside the premises.
- 2.5 Licensing Officers worked with Admiral Taverns to agree a list of conditions to be attached to the premises licence in an attempt to ensure that the licensing objectives were promoted. At this time Licensing Officers reiterated their concerns that the management of the premises were failing to address the issues identified at the premises. A minor variation application to attach the agreed conditions was submitted on 13 August 2019.
- 2.6 Since the premises licence was amended there have been further breaches of the licence, and the DPS has repeatedly failed to cooperate with the authorities following incidents.
- 2.7 On 28 November 2019, a meeting was arranged with the Licensing Manager, Police Licensing Officer, Regulatory Compliance Officer and Tony Sullivan to discuss the incidents. Mr Sullivan was informed that both the Police and Licensing department had lost faith in the ability of the DPS to effectively manage the premises and promote the licensing objectives. The Police Licensing Officer advised Mr Sullivan that if the DPS was not

removed from the premises then an application to review the premises licence would be submitted to the Licensing department.

- 2.8 Further incidents took place over the Christmas and New Year period demonstrating that the current DPS had lost control of the premises. Despite assurances from the premises licence holder, no application was received to change the Designated Premises Supervisor. As such an application to review the premises licence was submitted to the Licensing Authority by Greater Manchester Police on 6 January 2020. A copy of the application is attached at **Appendix 3**.

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

- 3.1 In addition to the application to review the premises licence, a supporting statement and evidence bundle has been received from Martin Thorley, Police Licensing Officer on behalf of Greater Manchester Police. This statement is attached at **Appendix 4**.
- 3.2 A representation has been received from Ian Pascoe, Regulatory Compliance Officer on behalf of the Licensing Authority. This representation is attached at **Appendix 5**.
- 3.3 A representation has been received from James Mallion, Consultant Public Health on behalf of Public Health. This representation is attached at **Appendix 6**.
- 3.4 A representation has been received from a member of the public who lives in close proximity to the premises. This is attached at **Appendix 7**.

### **4. HOME OFFICE GUIDANCE**

- 4.1 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 section 11.19, where a Licensing Authority considers action under its statutory powers:

*11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence.*

### **5. CONCLUSION AND OPTIONS FOR THE PANEL**

- 5.1 Panel are requested to consider the evidence and decide what (if any) steps to take as it considers appropriate for the promotion of the licensing objectives. The options available to the Panel are;
- a) Take no action
  - b) to modify the conditions of the licence;
  - c) to exclude a licensable activity from the scope of the licence;

- d) to remove the designated premises supervisor;
- e) to suspend the licence for a period not exceeding 3 months;
- f) to revoke the licence