

**Report to:** **SPEAKERS PANEL (LIQUOR LICENSING)**

**Date:** 23 July 2020

**Reporting Officer:** Emma Varnam – Assistant Director, Operations & Neighbourhoods

**Subject:** **APPLICATION FOR A REVIEW OF A PREMISES LICENCE – THE BILLY GOAT, 71 STAMFORD STREET, MOSSLEY, OL5 0JS**

**Report Summary:** Members are requested to determine the application

**Recommendations:** 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:

- a) Modify the conditions of the licence
- b) Exclude a licensable activity from the scope of the licence
- c) Remove the designated premises supervisor
- d) Suspend the licence for a period not exceeding 3 months
- e) Revoke the licence

**Corporate Plan:** Living Well – Improve satisfaction with local community

**Policy Implications:** Members are provided with policy guidelines to assist in the decision making process.

**Financial Implications:** 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.  
**(Authorised by the statutory Section 151 Officer & Chief Finance Officer)**

**Legal Implications:** 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.  
**(Authorised by the Borough Solicitor)**

**Risk Management:** Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.

**Access to Information:** The author of the report is Sharon Smith – Head of Public Protection

**Background Information:** The background papers relating to this report can be inspected by contacting Sharon Smith

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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.

## 2. REPORT

- 2.1 The Billy Goat, 71 Stamford Street, Mossley has held a premises licence since the inception of the Licensing Act 2003. The premises licence holder is Victor Bowers and the Designated Premises Supervisor (DPS) is Kathleen O'Neil, who has been in place at the premises since 25 March 2013. A copy of the premises licence is attached at **Appendix 1**.
- 2.2 On 20 March 2020, the Prime Minister's announced that all pubs bars, restaurants, and other specified premises, must close down in an effort to suppress the coronavirus outbreak.
- 2.3 The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020, came into force at 14:00 hours on 21 March 2020. These Regulations provided the Council with the necessary enforcement powers to ensure the closure of the specified premises.

Part 2 of the Regulations state;

### ***Requirement to close premises and businesses during the emergency***

**2.—(1) A person who is responsible for carrying on a business which is listed in Part 1 of the Schedule must—**

**(a) during the relevant period—**

**(i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and**

**(ii) cease selling food or drink for consumption on its premises;**

- 2.4 At 14:30 hours on 21 March 2020, Greater Manchester Police attended the Billy Goat and observed that the premises were open and trading, although the front door of the premises was locked, entry could be gained using the back door. When the Police arrived there were approximately 30 customers inside.
- 2.5 The DPS was told by the Police Officers to get the customers out of the pub and close the premises. However, the CCTV in premises recorded that once the Police Officers had left, the DPS began serving again. The Police returned after 25 minutes and the pub was still full of customers. As a Police car pulled into the car park customers began to leave. The Police Officers entered the pub and ensured that all customers left, however, the family of the DPS remained on the premises. The CCTV records that once the Police left for the second time, the DPS began to serve more drinks to those people left on the premises.
- 2.6 The CCTV shows that the premises was open from 12:08 on 21 March 2020, as customers enter the premises via the back door. The CCTV clearly shows customers paying for drinks between 12:08 and 15:00 when the Police leave for the second time.
- 2.7 It is a condition of the premises licence that CCTV should be provided to a representative of a Responsible Authority immediately upon request. The Police requested CCTV on 3 separate occasions, before eventually seizing the hard-drive following failure to provide the requested footage.

- 2.8 The Police received a further complaint from a member of the public that the premises were open and trading on 25 March 2020. Following a review of the CCTV footage, there was no evidence to suggest that any payment was received for drinks and the according to the premises licence holder the alcohol was consumed by occupants of the Billy Goat.
- 2.9 On 16 June 2020, Mike Robinson, on behalf of the Licensing Authority submitted an application to review the premises licence. The review was served on the grounds that the licensing objectives, namely Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance, had been seriously undermined. A copy of the application is attached at **Appendix 2**.
- 2.10 The Licensing Department have received historic complaints regarding disorder and anti-social behaviour associated with the premises. Following an incident which occurred on 31 March 2019 and required Police attendance, representatives from Licensing met with the premises licence holder in April 2019. Licensing Officers worked with the premises licence holder to agree conditions and reduce the licensable hours to ensure the licensing objectives were being promoted. A minor variation application was received on 10 May 2019 to attach the agreed conditions.

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

- 3.1 In addition to the application to review the premises licence, a supporting statement has been received from Mike Robinson on behalf of the Licensing Authority. This statement is attached at **Appendix 3**.
- 3.2 A representation has been received from Martin Thorley, Police Licensing Officer on behalf of Greater Manchester Police. This representation is attached at **Appendix 4**.
- 3.3 A representation has been received from James Mallion, Consultant Public Health on behalf of Public Health. This representation is attached at **Appendix 5**.
- 3.4 A representation has been received from the premises licence holder, Victor Bowers. This representation is attached at **Appendix 6**.
- 3.5 The Licensing Department received 24 letters from members of the public in support of the premises. These letters are attached at **Appendix 7**.

### **4. TAMESIDE MBC STATEMENT OF LICENSING POLICY/HOME OFFICE GUIDANCE**

- 4.1 In determining any matters under the Licensing Act 2003 the Licensing Authority must have due regard to its own Statement of Licensing Policy and Guidance issued by the Home Office.
- 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 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 set out at the front of the report.