

APPENDIX 3

TAMESIDE METROPOLITAN BOROUGH COUNCIL

STATEMENT OF WITNESS

(C.J.Act 1967, s.9; M.C.Act 1980, ss5A(3)(a) and 5B; M.C.Rules 1981, r.70)

STATEMENT OF: Mike Robinson

AGE OF WITNESS: Over 18

OCCUPATION OF WITNESS: Regulatory Services Manager

1. I am Mike Robinson, I am a Regulatory Services Manager for Tameside Metropolitan Borough Council and I am currently based in the Regulatory Services Department at Tame Street in Stalybridge, I have held this position since October 2018
2. My duties include, amongst other things, the administration and regulation of the Licensing Act 2003 (the Act) which governs the licensing of premises and their authorised activities under the Act.
3. On Friday 20 March 2020, in response to the serious and imminent threat that the spread of Covid-19 posed to public health, the Prime Minister addressed the nation and called on pubs, bars and restaurants to close as soon as practicable. He said "Following agreement between all four nations of the UK, we are collectively telling cafes, pubs, bars and restaurants to close tonight, as soon as they reasonably can and not open tomorrow."
4. On Saturday 21 March 2020 at 14:00hrs, The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020, came into force.

This statement, consisting of 5 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 12th July 2020

Signed M Robinson

5. According to Greater Manchester Police, whilst carrying out patrols of the area on Saturday 21st March 2020, The Police drove past the Billy Goat Public House, 71 Stamford Street, Mossley and noticed that the car park was full of cars and the curtains at the premises were drawn. At approximately 14:30, the Police visited the premises, the front door was closed and locked. However, the back door was open and upon entry the Police found approximately 30 people on the premises.
6. The Police report that the DPS, Kathleen O'Neil, was working behind the bar at the time of the visit and told the Police that the pub was hosting a birthday party for a regular customer. Kathleen O'Neil was aware of the requirement for the premises to be closed and was told by the Police that she needed to get everyone out of the premises and that the Police would return in 30 minutes.
7. Having reviewed the CCTV footage from the premises, it is clear that before the Police get back into their car, the DPS begins to serve customers more alcohol, without making any effort to clear the premises.
8. The CCTV footage shows that the Police returned at 14:55, as the 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. Once the Police left for the second time, the DPS began to serve more drinks to her those people left on the premises.
9. It is a condition of the premises licence that CCTV footage must be provided to a representative of a Responsible Authority immediately upon request. On at least 3 occasions between 23rd March and 2nd April, the Police requested that the CCTV

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footage be produced. Following failure to provide the footage request, the hard drive was seized at 18:00 on 2nd April 2020.

10. On 26 March 2020, I contacted Kathleen O'Neil to discuss what had occurred on 21 March. Kathleen told me that Victor Bowers, the Premises Licence Holder, was aware that the premises was open, she said that they had discussed the Prime Minister's announcement on the Friday night but decided to ignore it because they did not believe that the coronavirus outbreak was as bad as had been reported. Kathleen said that she had promised a regular of the pub, 'Martin' that he could celebrate his birthday at the pub despite the requirement to be closed. During our conversation, Kathleen apologised for taking the decision to open and was concerned that she may lose her Personal Licence which would affect her ability to work.
11. Following my conversation with Kathleen, I contacted Victor Bowers. Victor informed me that one of the reasons for reopening on 21 March, was the fact that he had taken receipt of a delivery of beer and other stock on 20 March and the value of the stock was "a couple of thousand pounds". Mr Bowers also stated that the premises was only open for regulars on 21 March and that he didn't realise how serious coronavirus was, he thought that coronavirus was "just bad flu".
12. A Prohibition Notice was served on Victor Bowers on 6 April 2020.
13. I have checked the history that is recorded on file in relation to the Billy Goat and there is a history of anti-social behaviour, noise complaints and police incidents associated with the premises.

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14. In June 2015, representatives of; Licensing, Environmental Health and Greater Manchester Police met with Victor Bowers to discuss complaints that had been made about the pub regarding customers causing a nuisance to local residents and that the premises was falling to promote the licensing objectives. A letter was sent to Victor Bowers and Kathleen O'Neill. A copy of this letter is attached as 'MR1'
15. On 31 March 2019, a serious incident took place at the Billy Goat after the terminal hour of the premises licence and the Police were called. Licensing were notified of the incident and made arrangements to visit the pub and view the CCTV. When the compliance officer attended, Kathleen O'Neil was unable to operate the CCTV system and required the help of a friend to playback or download footage, further the CCTV system only recorded for a maximum of 24 hours and therefore CCTV footage of the incident could not be provided. A letter was sent to Mr Bowers following this incident requesting a meeting. A copy of this letter is attached as 'MR2'
16. Following this, in light of the previous non-compliance and as an alternative to reviewing the premises licence, several conditions were agreed with Mr Bowers and were attached to the premises by way of a premises licence minor variation application. These conditions were reasonable and proportionate and were to assist both the licence holder and DPS to ensure that the licensing objectives were upheld.
17. On 16 June 2020, I submitted an application for review of the premises licence. Based on the evidence that the premises was open after the Prime Minister's announcement and beyond the closure regulations coming into effect, the Licensing Authority has serious concerns regarding the management of this premises and the

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ability of both the premises licence holder and DPS to promote the licensing objectives.

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Dated the 12th July 2020

Signed M Robinson

Mr. Victor Bowers
c/o Billy Goat Public House
71-73 Stamford Street
Mossley
OL5 0JS

Ian Saxon
Assistant Executive Director
Environmental Services

Tame Street Depot, Tame Street,
Stalybridge, SK15 1ST

www.tameside.gov.uk
e-mail : david.smith@tameside.gov.uk

Call Centre 0161 342 8355
Twitter @tmbc_places

Doc Ref
Ask for David Smith
Direct Line 0161 342 4053 / 4262
Date Thursday 18th June 2015

Dear Mr Bowers,

RE: COMPLAINT OF ANTI-SOCIAL BEHAVIOUR AT THE BILLY GOAT, 71-73 STAMFORD STREET, MOSSLEY

As you are now aware a number of complaints have been received by Tameside MBC Environmental Services, Licensing section and Greater Manchester Police.

I would like to thank you for meeting with Craig Richardson, PC Christopher Hayden and I on Monday 15th June 2015 to discuss the issues that have been alleged, namely that patrons are being anti-social around the external area of the premise, loud music is emanating from the premise and the beer garden is being used beyond it permitted times. There was also an allegation that patrons of the premise are causing a litter issue.

You are aware that these allegations are on-going and have been for some time. However you do feel that they are malicious and untruthful. Whilst we do appreciate that some complaints can be of a malicious nature, we have to investigate complaints that are received and part of our role as responsible authorities is to ensure that you are doing all you can to promote the licensing objectives in your premise, which was the basis of our discussion.

In order therefore to ensure that the Billy Goat public house is promoting the licensing objectives I would recommend you implement the following;

- Ensure that all windows and doors are closed (except for access and egress) when regulated entertainment is taking place. This will ensure that there is minimum noise breakout.
- Ensure clear and prominent notices are displayed at the entrance/exit at the front of the premises stating that drinks cannot be taken onto the public highway and to remind patrons to keep noise to a minimum when outside the premises out of respect for the neighbours.

- **Conduct external noise monitoring checks around the premises ensuring that there is no noise breakout.**
- **Be vigilant and monitor the outside areas taking action where necessary, including where non-patrons are using the beer garden out of hours as you stated.**
- **Ensure that the curtilage of the premises is kept free from litter.**
- **With all the above in mind, keep an 'Incident Book', where you can log any checks that have been done, any action you have had to take or any general concern you have noticed.**
- **Ensure that the premises strictly adheres to the Premises Licence.**

By implementing these recommendations I believe that will enable the premises to effectively promote the licensing objectives. If however further complaints are received, we will look to investigate the matter further.

Should the premises not be effectively promoting the licensing objectives or be in breach of licence conditions then legal proceedings can be taken in the form of either prosecution or premises licence review or both.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely,

**David Smith
Regulatory Compliance Officer
Licensing**

cc Miss Kathleen O'Neill c/o Billy Goat Public House

Sharon Smith
Head of Public Protection

Tame Street Depot, Tame Street,
Stalybridge, Tameside, SK15 1ST

Call Centre 0161-342-8355
Twitter @tmbs_places

www.tameside.gov.uk
email: ian.pascoe@tameside.gov.uk

Mr. Victor Bowers
c/o Billy Goat Public House
71-73 Stamford Street
Mossley
OL5 0JS

Doc Ref
Ask for Ian Pascoe
Direct Line 0161 342 4053
Date 9TH April 2019

Dear Mr Bowers,

RE: INCIDENT ON 31ST MARCH 2019 AT THE BILLY GOAT, 71-73 STAMFORD STREET, MOSSLEY.

As you are now aware The Police were called regarding an incident that took place on your premises in the early hours of 31st March 2019.

I visited the premises on Thursday 4th April to obtain more information and obtain the CCTV footage from the incident. I spoke to Kathleen who informed me that she was unable to operate the CCTV and was waiting for a friend to call and download the footage, I found this quite concerning.

What I also found that gave me greater cause for concern was the time that the call was logged by The Police, 02.14am; this suggests that customers were in your premises beyond the hours of your operating schedule on your premises licence.

Having spoken with Kathleen again on Monday she informed me that the CCTV footage was unobtainable due to the system running on a 24 hour loop and had consequently been erased:

Due to the seriousness of this latest incident and the accumulation of incidents in relation to your premises in the last twelve months (ten incidents, seven reports of crime) I am suggesting a meeting with yourself in your capacity as Premises Licence Holder to amend/add conditions to your Premises Licence to promote the licencing objectives more comprehensively.

Could you please contact me at your earliest convenience to arrange a meeting at our offices at Tame Street Stalybridge.

Yours sincerely,



Ian Pascoe
Regulatory Compliance Officer