

## **SPEAKERS PANEL (LIQUOR LICENSING)**

25 February 2020

**Commenced:** 10:00am

**Terminated:** 1:10pm

**Present:** Councillors Sweeton (Chair), Bowden (Deputy Chair) and Cartey

**In Attendance:**

Mike Robinson	Licensing Manager
Margaret Warner	Legal Representative
Ian Pascoe	Regulatory Compliance Officer
James Mallion	Consultant Public Health
PC Martin Thorley	Greater Manchester Police
Anthony Sullivan	Business Development Manager, Admiral Taverns
Michael Daly	Designated Premises Supervisor
John Gibson	Tenant
Zoe Quinn	Tenant

### **18. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **19. MINUTES**

The Minutes of the proceedings of the previous meeting held on 13 January 2020, having been circulated were signed by the Chair as a correct record.

### **20. APPLICATION FOR A REVIEW OF A PREMISES LICENCE – ROYAL OAK, 23 NOOK LANE, ASHTON-UNDER-LYNE, LANCS. OL6 9HN**

Consideration was given to an application for a review of premises licence at the Royal Oak Public House, 23 Nook Lane, Ashton-under-Lyne. OL6 9HN.

The Regulatory Services Manager outlined the procedure and the steps which could be utilised by the Speakers Panel (Liquor Licensing) in determining the application, the options available to the Panel were as set out in Section 18(4) of the Licensing Act 2003, namely:

- (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 revoke the licence

The Regulatory Services Manager informed the Panel that the Royal Oak, 23 Nook Lane, Ashton-under-Lyne, had held a premises licence with Tameside MBC since 24 November 2005. The premises licence holder was Admiral Taverns and the Designated Premises Supervisor (DPS) was, at the time of the incidents referred to in the report, Bernadette Corcoran, who had been in place at the premises since 9 April 2019.

It was reported that, since May 2019, the Council's Regulatory Services Department had received 4 complaints from members of the public regarding disorder and anti-social behaviour associated with the premises.

On 25 June 2019 a compliance visit was conducted at the premises following receipt of a complaint 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, Mr Sullivan.

On 10 July 2019, Licensing Officers met with you 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.

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 the 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 to the agreed conditions was submitted on 13 August 2019. Since the premises licence was amended there had been further breaches of the licence, and the DPS had repeatedly failed to co-operate with the authorities following incidents.

On 28 November 2019, a meeting was arranged with the Licensing Manager, Police Licensing Officer, Regulatory Compliance Officer and Mr 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.

It was explained that further incidents had taken 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.

PC Thorley, Greater Manchester Police, then addressed the Panel and gave details of incidents reported from June 2019 onwards involving allegations of alcohol being served outside of licensable hours, misuse of drugs on the premises and excessive noise from the premise. PC Thorley also displayed CCTV footage from cameras inside and outside of the Royal Oak Public House and stills from an overt public facing TMBC camera situated at Hurst Cross. The footage/stills related to incidents occurring on: 10 October 2019, 11 October 2019, 18 October 2019, 26 December 2019, 1 January 2020, 1 February 2020 and demonstrated incidents of anti-social behaviour and public disorder, both inside and outside of the premises.

PC Thorley made reference to a meeting convened on 24 January 2020 with himself, Mr Robinson, Mr Pascoe and Mr Sullivan, where incidents as detailed above, were discussed. During this meeting PC Thorley recommended that Licensing Conditions be volunteered to the Licence of The Royal Oak by the Premise Licence Holder. This request was proposed in order for the premises to comply with the requirement of the Licensing Act 2003 and to ensure promotion of the licensing objectives for prevention of crime and disorder and public safety. It was suggested that the appropriate and proportionate way to deal with these incidents that had occurred was the modification of conditions of the licence and implementation of the following Licensing Conditions:

- (i) The Implementation of SIA 'Approved' doorstaff working Friday – Saturday between 2100 hrs – ½ hour after closing time. One member of doorstaff within these times and for any sporting event being shown on the premises.
- (ii) CCTV would be improved covering each entry and exit point of the premises and the car park;
- (iii) Smoking to only be permitted in the car park / beer garden; and

- (iv) No glass to be taken beyond the front entrance to the premises.
- (v) Sale of alcohol to conclude at midnight – Sunday – Thursday; 0100 hrs Friday – Saturday

He added that the recommended Licensing Conditions in relation to doorstaff were dismissed by Mr Sullivan as unachievable.

PC Thorley expressed concerns that, on occasions when it was clear that the DPS, her partner and staff were aware of assault occurring both on and off the premises that there were no calls made to Police to report such matters. No attempt was made to prevent patrons walking freely to and from the premises in possession of alcoholic drinks and glasses. He further expressed concerns in respect of the failure of the DPS to provide CCTV footage when requested, in a timely way, in accordance with the terms of the licence.

Ian Pascoe, Regulatory Compliance Officer, then addressed the Panel and gave details of a review of the premises licence, which referenced a compliance visit to the premises on 25 June 2019 following the receipt of complaints of drinking beyond the licensable hours, drug taking inside the premises and noise. There were also issues regarding non-compliance in respect of toilet checks, refusals book and staff training. Further details were also given of subsequent incidents of disorder captured CCTV cameras as detailed above in PC Thorley's address to the Panel.

James Mallion, Consultant Public Health, also addressed the Panel and gave information/data in respect alcohol related harm in the OL6 9HN area and A&E attendances in the vicinity of the premises. Mr Mallion informed Members of the Panel that the locality already had the 34<sup>th</sup> highest degree of existing alcohol related harm in the Borough, which fell in the top quartile. The rank for weekend A&E attendances (from midnight to 5am), was the 3<sup>rd</sup> highest in the borough and more than double the Tameside average and the rank for all alcohol-specific hospital admissions in this area was 6<sup>th</sup> highest in the borough and four times higher than the Tameside average. The overall rate of alcohol-related crime in this area was also high and ranked 9<sup>th</sup> highest in the borough. It was noted that this was general information/data for the locality and did not relate specifically to the Royal Oak Public House.

Mr Robinson, Regulatory Services Manager, then read out a statement from a member of the public, who did not wish to be identified or attend the meeting. The statement expressed concerns in respect of drugs, fighting, bottles being thrown, urinating outside the premise and noise levels, in relation to the Royal Oak Public House.

Mr Sullivan then addressed the Panel on behalf of Admiral Taverns and responded to the issues raised in the report and by PC Thorley. Following a recruitment process, Mr Sullivan advised that a new DPS had been appointed and trading had commenced on 19 February with a new DPS and new tenants. He added that it was the intention for one of the new tenants to take over as DPS as soon as the certificate of completion of the relevant qualification had been received. Mr Sullivan explained that discussions had taken place with the new tenants and there were plans to improve the appearance of the premises, including; refresh painting, putting a barrier on the car park, improving external lighting, fencing to be erected around the smoking area and ensuring that CCTV covered the whole perimeter of the building. It was planned that this schedule of works would commence when the weather conditions improved.

All parties were then afforded the opportunity to ask questions in relation to the representations made.

All parties were invited to provide a brief statement in summary.

Members of the Panel carefully considered the written report, representations and questions and answers during the hearing in addition to all the information provided. The Panel took very seriously the concerns raised by the Licensing Authority, Greater Manchester Police and the Public Health Consultant. They were, however, pleased to learn that the DPS had been replaced and new tenants were in situ.

The Panel were of the view that, given the serious nature of the incidents detailed and viewed at the hearing that a short period of suspension was required in order to allow time for the new DPS and tenants to carry out the improvements/enhancements to the building/car park/CCTV, to ensure the promotion of the licensing objectives for the prevention of crime and disorder and public safety.

The Panel further directed that additional conditions should be applied to the licence, and it was:

#### **RESOLVED**

- (i) To suspend the premise licence for the Royal Oak Public House for a period of 1 month, during which time a program of works be carried out, to include: refresh painting, erecting a barrier on the car park, improving external lighting, fencing around the smoking area and ensuring that CCTV covers all external areas of the premises, including the car park and smoking area.**
- (ii) Upon re-opening of the premises, modify the conditions of the premise licence as follows:**
  - That opening hours be modified as follows:  
Sunday – Thursday – 12 noon to 0030 hrs (all licensable activities to cease at 0000hrs)  
Friday and Saturday – 12 noon to 0100 hrs (all licensable activities to cease at 0030 hrs)**
  - A minimum of two SIA approved doorstaff on Friday and Saturday evenings and for any sporting event to be shown on the premises, from 2100 hrs until ½ hr after closing;**
  - The removal of all non-standard timings from the licence; and**
  - No glass or alcohol to be taken beyond the front entrance of the premises.**
- (iii) Review to be undertaken 6 months after re-opening.**