



Report To:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	16 July 2020
Executive Member / Reporting Officer:	Emma Varnam – Assistant Director, Operations and Neighbourhoods
Subject:	APPLICATION FOR AN EXPEDITED REVIEW OF A PREMISES LICENCE (INTERIM STEPS DECISION) – THE OWD JOSS (LAST ORDERS), MARKET STREET, HYDE
Report Summary:	Members are requested to decide what, if any, interim steps to take in respect of the application
Recommendations:	<p>Having regard to the application from Greater Manchester Police, Members are requested to decide what, if any, interim steps to take as it considers appropriate for the promotion of the licensing objectives. The steps available are:</p> <ul style="list-style-type: none"> a) Modification of the conditions of the licence b) The exclusion of the sale of alcohol by retail from the scope of the licence c) Remove the designated premises supervisor d) The suspension of the licence.
Links to 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 Section 151 Officer)	
Legal Implications:(Authorised by the Borough Solicitor)	Any decision to impose interim steps following an application for an expedited review challenged by way of representations from the premises licence holder (in the first instance) to the Speaker's Panel (Liquor Licensing).
Risk Management:	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety, and also the right of an individual to earn a living
Access to Information	<p>The author of the report is Mike Robinson, Regulatory Services Manager (Licensing):-</p> <p> Telephone - 0161 342 4122</p> <p> e-mail: mike.robinson@tameside.gov.uk</p>

1. INTRODUCTION

- 1.1 Section 53A of the Licensing Act 2003 outlines the procedure whereby the police may apply to the Licensing Authority for an expedited review of a premises licence.
- 1.2 Section 53A of the Licensing Act 2003 requires the licensing authority, on receipt of an application for an expedited review, within 48 hours of the time of its receipt, to consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence.
- 1.3 The interim steps the licensing authority must consider taking are:
 - (a) The modification of the conditions of the premises licence;
 - (b) The exclusion of the sale of alcohol by retail from the scope of the licence;
 - (c) The removal of the designated premises supervisor from the licence, or;
 - (d) The suspension of the licence.

2. REPORT

- 2.1 At 16:15 on Monday 13 August 2020 an incident occurred within the Owd Joss, 81 Market Street, Hyde. An altercation took place between two customers, before the offender who has links to organised criminal activity, punched the victim causing him to fall to the floor and lose consciousness. The offender then stamps on the head of the victim.
- 2.2 Whilst the victim laid unconsciousness, the offender threatened customers and staff and warned that the incident should not be reported to the Police. A staff member who was not working made a 999 call requesting the attendance of an ambulance.
- 2.3 The Designated Premises Supervisor was upstairs in his private accommodation of the premises throughout the incident and did not come downstairs until after the Police had arrived.
- 2.4 There was one member of staff working at the time who according to the Police Officers attending the scene was extremely intoxicated.
- 2.5 The result of the incident was that the victim has been admitted to Salford Royal Hospital with serious brain trauma, after being transferred from Tameside General Hospital.
- 2.6 Greater Manchester Police have concerns that the management of the premises are failing to promote the licensing objectives of Prevention of Crime and Disorder and Public Safety which puts the safety of members of the public at risk.
- 2.7 At approximately 16:45 on Wednesday 15 July 2020, PC Martin Thorley from Greater Manchester Police submitted an application to the Licensing Authority for an expedited review of the premises licence in accordance with s53A of the Licensing Act 2003. A copy of PC Thorley's application is attached at **Appendix 1**.
- 2.8 In addition, PC Thorley also submitted a certificate in accordance with s53A(1)(b), signed by Superintendent Jane Higham, to the effect that the premises is associated with serious crime. A copy of the certificate is attached at **Appendix 2**.

3. CONCLUSION AND OPTIONS FOR THE PANEL

- 3.1 Panel are requested to consider whether it is necessary to take interim steps pending the determination of a full review hearing, which is required to take place within 28 days of the submission of the application.
- 3.2 The interim steps the licensing authority must consider taking are:
 - (a) The modification of the conditions of the premises licence;
 - (b) The exclusion of the sale of alcohol by retail from the scope of the licence;
 - (c) The removal of the designated premises supervisor from the licence, or;
 - (d) The suspension of the licence.