

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

Date: 12 August 2020

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

Subject: **APPLICATION FOR A REVIEW OF A PREMISES LICENCE – THE OWD JOSS (LAST ORDERS), MARKET STREET, HYDE**

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 Mike Robinson, Regulatory Services Manager (Licensing):-
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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 On 16 July 2020 the Speakers Panel (Liquor Licensing) held a hearing to consider taking such interim steps, the decision of the panel was to suspend the licence. A copy of the decision notice can be found at **Appendix 1**
- 1.4 Under Section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence within 28 days of the after the day of receipt of the application.
- 1.5 Following the review under s53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.
- 1.6 In making its final determination the steps the Panel can take 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
- 1.7 In carrying out its functions under the Licensing Act 2003 the Licensing Authority and Panel must promote the licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In addition, the Licensing Authority expects holders of premises licences or other permissions which allow the sale of alcohol to carry out their activities with a view to promoting the protection and improvement of public health.

2. REPORT

- 2.1 The Owd Joss has held a premises licence since July 2005. The premises licence holder is Hawthorn Leisure Honey Limited. A copy of the premises licence is attached at **Appendix 2**.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 There was one member of staff working at the time who according to the Police Officers attending the scene was extremely intoxicated.

- 2.6 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.
- 2.7 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.
- 2.8 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 3**.
- 2.9 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 4**.

3. REPRESENTATIONS & EVIDENCE SUBMITTED

- 3.1 In addition to the application to review the premises licence, a supporting statement has been received from Gemma Lee on behalf of the Licensing Authority. This statement is attached at **Appendix 5**.
- 3.2 A meeting took place on 28 July 2020 with Greater Manchester Police, Hawthorn Leisure, TLT Solicitors and the Licensing Authority to discuss the future of the Owd Joss. A number of conditions agreeable by Greater Manchester Police and the Licensing Authority are attached at **Appendix 6**.
- 3.3 Following the meeting on the 28 July 2020, TLT Solicitors have suggested amendments to a number of the conditions proposed by Greater Manchester Police and the Licensing Authority attached at **Appendix 7**

4. HOME OFFICE GUIDANCE

- 4.1 In determining this review, the Panel must have due regard to the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy 2016-2021 published pursuant to s5 of the Licensing Act 2003.

5. CONCLUSION AND OPTIONS FOR THE PANEL

- 5.1 The Panel is requested to consider the content of this report and appendices and any oral evidence/submissions put forward at the hearing and to determine this review and to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are set out at the start of the report.