

<b>Report to:</b>	<b>SPEAKERS PANEL (LIQUOR LICENSING)</b>
<b>Date:</b>	12 January 2021
<b>Reporting Officer:</b>	Emma Varnam – Assistant Director, Operations & Neighbourhoods
<b>Subject:</b>	<b>APPLICATION FOR A REVIEW OF A PREMISES LICENCE – PL0281 - THE COCK HOTEL, 60 TWO TREES LANE, DENTON, M34 7SZ</b>
<b>Report Summary:</b>	Members are requested to determine the application
<b>Recommendations:</b>	<p>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:</p> <ul style="list-style-type: none"> <li>a) Modify the conditions of the licence</li> <li>b) Exclude a licensable activity from the scope of the licence</li> <li>c) Remove the designated premises supervisor</li> <li>d) Suspend the licence for a period not exceeding 3 months</li> <li>e) Revoke the licence</li> </ul>
<b>Corporate Plan:</b>	Living Well – Improve satisfaction with local community
<b>Policy Implications:</b>	Members are provided with policy guidelines to assist in the decision making process.
<b>Financial Implications: (Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	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.
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	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.
<b>Risk Management:</b>	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.
<b>Access to Information:</b>	The author of the report is Mike Robinson, Regulatory Services Manager (Licensing)
<b>Background Information:</b>	The background papers relating to this report can be inspected by contacting Mike Robinson



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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.
- 1.3 The steps mentioned in subsection (4) are:
  - (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 suspend the licence for a period not exceeding 3 months;
  - (e) to revoke the licence.

## 2. INTRODUCTION

- 2.1 The Premises Licence holder of the Cock Hotel, 60 Two Trees Lane, Denton is Ei Group Ltd. An application was submitted to the Licensing Authority on 6 April 2020, to specify Mr Michael Andrew as the Designated Premises Supervisor (DPS).
- 2.2 On 5 November 2020, The Health Protection (Coronavirus, Restrictions) (England) (No 4) Regulations 2020 came into force requiring public houses to close. These regulations allowed for pre ordered sales of alcohol for consumption off the premises providing the purchaser did not enter the premises.
- 2.3 On 25 November 2020, Greater Manchester Police (GMP) received a complaint from a member of the public that customers had been seen to enter the Cock Hotel via the back door.
- 2.4 At 19:48hrs, GMP attended the premises and upon arrival they spoke with Michael Andrew who was the Designated Premises Supervisor (DPS) at the time of the visit Mr Andrew informed the police that he lived at the premises and was having a drink with his lodger whilst watching the football.
- 2.5 Upon further investigation a police officer found 4 people hiding upstairs in the premises. Fixed Penalty Notices were issued to all parties for facilitating and attending a gathering which is a clear breach of The Health Protection (Coronavirus, Restrictions) (England) (No 4) Regulations 2020.
- 2.6 On 26 November 2020, the Licensing Manager and the Police Licensing Officer, attended the premises to discuss the offences that had been committed and to view the CCTV. Upon review of the CCTV footage, it was found that the premises had been open via the back door and trading on a number of occasions throughout the lockdown period, including the following dates:
  - 8th November
  - 15th November
  - 21st November
  - 25th November
- 2.7 Further CCTV footage shows that the premises had been operating on 4 November 2020. On this date prior to the lockdown in England, licensed premises were required to sell alcohol

only as part of a table meal. The CCTV showed that the premises had been operating without selling food.

- 2.8 On 26 November 2020 the DPS, Mr Michael Andrew, was removed as DPS by Ei Group Ltd.
- 2.9 On 4 December 2020, an application to review the premises licence was submitted by Rebecca Birch, Regulatory Compliance Officer on behalf of TMBC Licensing Authority. A copy of the review application is attached at **Appendix 1**.
- 2.10 The premises has had a history of noise complaints, from May 2017 the Council has received 10 noise complaints due to music as well as anti-social behaviour from customers leaving the premises.

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

#### **Greater Manchester Police**

- 3.1 A representation has been received by Martin Thorley, Police Licensing Officer on behalf of Greater Manchester Police. This is attached at **Appendix 2**.

#### **TMBC Licensing Authority**

- 3.2 A supporting statement has been received by Rebecca Birch, Regulatory Compliance Officer on behalf of the Licensing Authority. This is attached at **Appendix 3**.

#### **Premises Licence**

- 3.3 A copy of the current premises licence is attached at **Appendix 4**.

### **4. HOME OFFICE GUIDANCE**

- 4.1 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.