

SPEAKERS PANEL (LIQUOR LICENSING)

12 January 2021

Commenced:10.00am

Terminated: 12.15pm

Present: Councillors Sweeton (Chair), Bowden and Quinn

In Attendance:	Mike Robinson	Regulatory Services Manager
	Rebecca Birch	Regulatory Compliance Officer
	David Joy	Legal Representative TMBC
	Ashleigh Melia	Legal Services Officer (observer)
	PC Thorley	Greater Manchester Police
	James Mallion	Public Health
	Richard Taylor	Gosschalks Solicitors
	Joanne Hipkiss	Licensing Manager
	Adam Hancox	Regional Manager, Ei Group

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. APPLICATION FOR A REVIEW OF A PREMISES LICENCE – THE COCK HOTEL, TOWN LANE, DENTON. M34 7SZ

Consideration was given to an application for a review of a premises licence for The Cock Hotel, 60 Two Trees Lane, Denton. M34 .7SZ.

It was explained that the Premises Licence Holder of The Cock Hotel, 60 Two Trees Lane, Denton is Ei Group Limited of 3 Monkspath Hall Road, Solihull B90 4SJ. A copy of the Premises Licence was appended to the report to Panel and identified the licensable activities and operating hours for the premises.

In April 2020 Mr Michael Andrew became the Designated Premises Supervisor for the premises.

On 4 December 2020 the Licensing Authority submitted an application for a review of the Premises Licence.

Mr Robinson presented the Report to the Panel and identified the steps available to the Panel in determining the review (s52 (4) Licensing Act 2003). Mr Robinson informed the Panel of the brief background to the review as set out in the report and summarised the representations received from:

- The Licensing Authority
- Greater Manchester Police
- Tameside MBC Population Health

Rebecca Birch, Regulatory Compliance Officer presented the Review application (appended to the report to the Panel) on behalf of the Licensing Authority. Ms Birch referred to her witness statement and exhibits (appended to the report to the Panel). Ms Birch informed the Panel that agreement had been reached with the Licence Holder to modify the conditions on the licence with a view to

promoting the licensing objectives. Ms Birch had the opportunity to consider the proposed conditions. She confirmed that she was satisfied with the conditions and considered that they would meet the licensing objectives going forward.

James Mallion then presented the representation that had been submitted on behalf of Tameside MBC Population Health. The content was noted by the Panel in particular the local levels of infection and deaths from Covid and the importance of premises complying with Covid restrictions.

PC Thorley presented a representation (appended to the report to the Panel) on behalf of Greater Manchester Police. Witness statements from PC Thorley and PC Cookson detailed the police investigation and the content of the CCTV. Key extracts of the CCTV recordings of the premises on the relevant dates were played in the hearing.

PC Thorley informed the Panel that agreement had been reached with the Licence Holder to modify the conditions on the licence with a view to promoting the licensing objectives.

PC Thorley thanked Mr Taylor of Gosschalks for his co-operation in responding to this matter. PC Thorley also thanked PC Cookson for his efforts on the evening of 25 November 2020.

PC Thorley agreed that the proposed conditions were appropriate to meet the licensing objectives.

Mr Taylor on behalf of the Licence Holder, then addressed the Panel and explained that Mr Andrew was removed as DPS and tenant within one hour of the report of the breach to Ei Group. He added that Mr Andrew was permitted to remain in the living accommodation of the premises as there was currently a Covid related moratorium on evictions from residential premises.

Mr Taylor explained that this issue had provided an opportunity to review and update the current conditions. Mr Taylor informed the Panel that following discussions between the Licence Holder, the Licensing Authority and Greater Manchester Police an agreement had been reached, subject to consideration/approval by this Panel, in relation to appropriate conditions (to replace those currently in Annex 2 to the licence). The proposed conditions are appended to the Minutes as Appendix A and if approved will appear in Annex 3 to the licence).

All parties were 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 then retired to carefully consider the written report, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

In determining this matter, the Panel had due regard to:

- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy,
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder
- the Guidance issued by the Secretary of State under section 182 of that Act.

The Panel noted that in determining the review it must, having regard to the application and any relevant representations, take such steps as identified in s52(4) of the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives, in particular, the prevention of crime and disorder.

The Panel noted the recent incidents at the premises as outlined in the report to Panel and the details in the Review Application. Relevant representations and supporting evidence.

The Panel noted that:

- The DPS involved in the breaches of Regulations was immediately dismissed by the Licence Holder.
- Ei Group provided relevant information and advice to the DPS to avoid a breach of the Covid restrictions.
- The now former DPS had initially informed Officers that the incident on 25 November 2020 was an isolated incident.
- The former DPS had purchased his own barrels of beer to sell to customers during the lockdown. The barrels were not purchased from or via Ei Group.
- The premises were operated on the breach dates by invitation only (by the former DPS).
- The conditions (at Appendix A to this Notice) had been agreed between the Licensing Authority, Greater Manchester Police and the Licence holder as appropriate for the promotion of the licensing objectives.

The Panel was satisfied that the breaches of the Covid Regulations were due to the conduct of the former DPS rather than the Licence Holder.

The Panel considered all available options and carefully scrutinised the proposed conditions.

Having regard to the factors identified above, the Panel considered that the imposition of conditions would be a proportionate response to the identified issues and appropriate to promote the licensing objectives, in particular the prevention of crime and disorder.

Accordingly, the Panel concluded that the step that it considered appropriate to promote the licensing objectives was to modify the conditions attached to the licence.

The Panel thanked Ei Group for their prompt action in removing the DPS and the high level of co-operation with both the Licensing Authority and GMP.

RESOLVED

That the conditions at Annex 2 to the licence be removed and replaced at Annex 3 with the conditions set out in Appendix A, attached.

APPENDIX A

1. INCIDENT BOOK

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises
- (ii) Any incident involving controlled drugs (supply/possession/influence) on the premises
- (iii) Any other crime or criminal activity on the premises
- (iv) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
- (v) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (vi) Any call for police assistance to the premises
- (vii) Any ejection from the premises
- (viii) Any first aid/other care given to a customer

2. STAFF TRAINING

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

3. CCTV

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights Act.

4. DOOR STAFF

The DPS will risk assess the need for door supervision and engage SIA registered door supervisors on such dates, in such numbers and between such times as identified as necessary by the risk assessment.

5. CHALLENGE 25

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

6. REFUSALS BOOK

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of I d. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

7. DPS VETTING

Future appointments of the Designated Premises Supervisor for the premises will only be made following consultation with the Police and Licensing Authority who will vet the individual prior to submission of an application.

8. PREVENTION OF NOISE BREAKOUT FROM PREMISES

1. To prevent noise nuisance, all windows and doors at the premise must be kept closed at any time when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is being performed at the premise, except to allow people to enter or exit.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
3. The Designated Premises Supervisor must ensure that perimeter inspections are undertaken every hour when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is taking place. These inspections must be recorded in a book which must be made available for inspection to Local Authority Officers and Greater Manchester Police on request.
4. No music to be played outside at any time.
5. No live music (amplified or unamplified) to be performed at the premises after 23:00.

9. DRUG POLICY

The management of the premises must introduce a strict "zero tolerance" policy in respect of the use and/or supply of illegal drugs on the premises. The policy to include checks of the toilet areas every half-hour whilst the premises are open and suitable signage to be placed in prominent areas within the premises.

10. PUBWATCH CONDITION

Where a pubwatch scheme is in operation in (town), the designated premises supervisor must be an active member of the scheme.

"Active member" is defined as someone who:

- i. Attends a minimum of 50% of Pubwatch meetings between 1 January and 31 December annually. Attendance at Pubwatch meetings will be measured by the use of written records kept by the Chair and/or Secretary of the relevant Pubwatch group. When calculating whether 50% of meetings have been attended by the DPS, any meetings cancelled by the Chair/Secretary, or meetings cancelled for any other reason out of the control of the DPS will not be counted.
- ii. Actively enforces all collective banning orders imposed by the Tameside pubwatch group. The DPS must ensure that any individual subject to a collective banning order by the pubwatch group is not allowed to enter or remain on the premises. If a banned individual enters or attempts to enter the premises and attempts to remove them are unsuccessful, the DPS must ensure that the police are contacted % asked to assist in removing the individual.
- iii. Shares information with other members of the pubwatch group. Whenever a banned individual is refused entry or removed from the premise, the DPS must ensure that the other members of the pubwatch group are informed as soon as practicable.

The DPS must ensure that all members of staff are made aware of all individuals who are currently banned by the Tameside pubwatch scheme. Staff must be regularly updated by the DPS whenever individuals are added or removed from the list of banned persons.

11. LIST OF AUTHORISED PERSONS

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

12. OUTSIDE AREA

The outside drinking area will not be used for the consumption of alcohol or other drinks after 2300.

13. NOTICES

Prominent and clear notices to be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

14. UNDER 16S

Under 16s will not be permitted on the premises after 19.00 unless they are attending a function or event in the function room.