

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I, James Horton, Regulatory Compliance Officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Jolly Hatters
119 Town Lane
Denton

Post town
Denton

Post code (if known)
M34 2DJ

Name of premises licence holder or club holding club premises certificate (if known)
Ei Group Ltd.

Number of premises licence or club premises certificate (if known)
PL0292

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address James Horton Licensing Office Tame Street Depot Tame Street Stalybridge SK15 1ST
Telephone number (if any) 0161 342 3359
E-mail address (optional) James.horton@tameside.gov.uk

This application to review relates to the following licensing objective(s)

- | | Please tick one or more boxes ✓ |
|---|---------------------------------|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | |

Please state the ground(s) for review (please read guidance note 2)

The operation of this premises has seriously undermined three of the four licensing objectives, namely;

The Prevention of Crime and Disorder and;

Public safety

Public Nuisance

Please provide as much information as possible to support the application (please read guidance note 3)

On 4 July 2020, the premises reopened and began trading following a period of closure due to the National lockdown, to protect public health in response to the serious and imminent threat of the Covid-19 pandemic.

Upon reopening, licensed premises were required to be covid-secure. The premises was required to demonstrate compliance with risk assessments, implement control measures implemented to mitigate the identified risks and adhere to Covid Regulations and Government Guidance to ensure public safety.

The premises was visited on 4 July and serious issues and concerns were identified, which included;

- The Designated Premises Supervisor (DPS) found to be intoxicated when compliance visits were carried out, impairing the ability of the DPS to manage the premises effectively and placing members of the public at risk.
- Failure to ensure effective social distancing controls were in place
- Failure to manage the behaviour of customers
- Playing of loud music

These concerns were raised with both the DPS, who was in place at the time and the Premises Licence Holder (PLH) on the 4 July. Both the DPS and PLH were informed that in the opinion of the Licensing Authority and Greater Manchester Police the premises was not covid secure and the Covid Regulations were being breached.

A series of verbal warnings were given, before two warning letters (17/8/20) and 11/9/20) were issued to the DPS, giving notice that further action would be taken to close the premises if steps were not taken to make the premises covid secure.

Following complaints from members of the public, licensing compliance officers found that on 11 July 2020, the premises had been trading beyond the terminal hour (00:30) on the premises licence and continuing to serve customers until 4am. A meeting took place between Licensing, Ei Group and the DPS and a warning was issued in respect of this offence.

On 15 August 2020, a large brawl involving 15-20 customers took place inside the premises, upon reviewing the CCTV it was evident that social distancing measures had not been adhered to and the DPS had been drinking with the group prior to the fight.

The advice given to the DPS regarding the necessity for the premises to be Covid secure was not heeded and the warnings were ignored.

Following the second warning letter that was issued, Ei Group terminated the contract of the DPS.

The Council still had concerns that although the contract had been terminated, the DPS remaining in position and on site, could present a risk. On 16 September 2020,

Ei Group provided assurances that the premises would remain closed whilst the DPS remained on site and would continue to remain closed until a new DPS had been appointed.

On 17 September 2020, the premises reopened. Licensing Officers and GMP visited the premises and the DPS to be intoxicated. GMP were satisfied that there were reasonable grounds to suspect that the premises was likely to result in nuisance to members of the public and served a Closure Notice under the Antisocial Behaviour Crime and Policing Act 2014

Given the behaviour of the DPS and refusal to comply, a Direction Notice under the Health Protection (Coronavirus Restrictions) England Regulations 2020, was served requiring the premises to close until from 18 September until 12 October 2020.

On 18 September 2020, the PLH submitted an application to remove the DPS and informed the Council that they would commence eviction proceedings to take vacant possession of the premises.

The premises has been closed to the public since 17 September 2020.

In October 2020, GMP carried out Neighbourhood Surveys at properties in the vicinity of the Jolly Hatters. 7 respondents indicated that the pub had caused public nuisance related issues including; noise, drug dealing and other anti-social behaviour.

Since the closure of the premises Licensing and GMP have remained in contact with the premises licence holders and their representatives to agree a way forward and prevent a repeat of the issues previously experienced.

On 16 November 2020 a meeting took place at the premises between the Licensing Manager, Mike Robinson and Police Licensing Officer, Martin Thorley together with Adam Hancox and Derick Cooper from Ei Group. The purpose of this meeting was discuss what measures were required to the licence to ensure that the concerns of the authorities and residents were allayed. These measures included amending the terminal hour for sale of alcohol on the licence, which is currently 00:30 (Thursday-Saturday) to 23:00.

It was also discussed that cheap drinks and broadcasting live sports were the catalyst for much of the crime and disorder and public nuisance concerns at the premises.

Since this meeting, no minor variation application has been submitted to amend the hours or attach further conditions to satisfy the Licensing Authority the issues will not recur.

The premises has been owned by Ei Group since 2003 and the premises has a history of complaints from local residents regarding public nuisance and non-compliance.

In April 2018, the Licensing Authority received an application from GMP to review the premises licence because the Police received information that the premises had been frequented by Organised Crime Group members, drugs were being dealt from the premises and a male had been employed as a manager at the premises with a view

to becoming the DPS. This staff member had been convicted for the supply of a controlled drug (class A cocaine) and was still on licence for that offence.

Following submission of the review application, the premises licence holder agreed to immediately terminate the employment of this individual and voluntarily added a number of conditions to the premises licence, by way of a minor variation.

Recently there have been flagrant breaches of the Covid Regulations, however the premises has been associated with disorder and non-compliance over a prolonged period and the DPS and PLH have failed to uphold the licensing objectives.

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

4.12.2020

.....

Capacity

REGULATORY COMPLIANCE OFFICER

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

