

TAMESIDE METROPOLITAN BOROUGH COUNCIL**Statement of witness**

(Criminal Procedure Rules, r27.2);
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: James Horton

Age of Witness (if over 18 enter over 18): Over 18

Occupation of Witness: Regulatory Compliance Officer

I am the above person. I am employed by Tameside Metropolitan Borough Council as a Regulatory Compliance Officer within the Public Protection Division, I have been employed in this role from November 2017.

Tameside Licensing Department in its capacity as a responsible authority wish to apply for a review of the premises licence for Jolly Hatters, 119 Town Lane, Denton, M34 2DJ, as this premises have seriously undermined three of the four licensing objectives, namely; The prevention of Crime and Disorder, Public Safety and Public Nuisance.

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;

This statement (consisting of 5 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 14.1.21

Signed: 

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(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

-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.

On the 13th of July 2020 the Local Authority received a complaint from a member of the public stating that the premises had been trading beyond the terminal hour (00:30) on the premises licence and continuing to serve customers until 4am. Following this I visited the premises with Sharon Campbell, Regulatory Compliance Officer on 16th of July 2020 to collect the CCTV footage from this night. After reviewing the CCTV footage it was proved that the complaint was justified and that unauthorised activities were taking place outside the permitted licensable hours. A meeting then took place between Licensing, EI Group and the DPS, on this occasion a warning was issued in the respect of this offence.

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On the 15th 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 relating to covid breaches that was issued, Ei Group terminated the contract of the DPS.

Although the contract had been terminated, the council raised its concerns about the DPS remaining in position and on site as this could present a risk. On the 16th of September 2020, Ei Group provided assurance that the premises would remain closed whilst the DPS remained on site and would continue to stay closed until a new DPS was 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.

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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.

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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. The Council has received a total of seven complaints from local residents in relation to noise issues from this particular premises dating back to February 2018:

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. In an attempt to address the ongoing issues related to noise and anti-social behaviour, the DPS at the time, Matthew Bonilla and the premises licence holder, 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.

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