

## **SPEAKERS PANEL (LIQUOR LICENSING)**

**26 January 2021**

**Commenced: 10.00am**

**Terminated: 2.45pm**

**Present: Councillors Sweeton (Chair), Bowden and Quinn**

**In Attendance:**

<b>Mike Robinson</b>	<b>Regulatory Services Manager, TMBC</b>
<b>James Horton</b>	<b>Regulatory Compliance Officer, TMBC</b>
<b>David Joy</b>	<b>Legal Representative, TMBC</b>
<b>Ashleigh Melia</b>	<b>Legal Services Officer, TMBC (observer)</b>
<b>PC Thorley</b>	<b>Greater Manchester Police</b>
<b>James Mallion</b>	<b>Consultant Public Health, TMBC (present for part of the meeting)</b>
<b>Richard Taylor</b>	<b>Gosschalks Solicitors</b>
<b>Joanne Hipkiss</b>	<b>Licensing Manager, Ei Group Limited</b>
<b>Adam Hancox</b>	<b>Regional Manager, Ei Group Limited</b>

### **14. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **15. MINUTES**

The Minutes of the previous meetings held on 11 January 2021 and 12 January 2021 were agreed as a correct record.

### **16. APPLICATION FOR A REVIEW OF A PREMISES LICENCE – JOLLY HATTERS, 119 TOWN LANE, DENTON, M34 2DJ**

Consideration was given to an application for a review of a premises licence for Jolly Hatters, 119 Town Lane, Denton, M34 2DJ.

It was explained that the Premises Licence Holder of Jolly Hatters, 119 Town Lane, Denton was 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 current licensable activities and operating hours for the premises.

On 4 December 2020, the Licensing Authority, acting in its capacity as a Responsible Authority under the Licensing Act 2003, submitted an application for a review of the premises. A copy of the Premises Licence Review Application was attached to the report.

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

Mr Robinson also referred to four representations received from local residents. The identity of the local residents had previously been disclosed to and verified by the Licensing Authority. However, the residents request for anonymity in the hearing was maintained during the hearing.

- Resident A (Representation at Appendix 11 of the report)
- Resident B (Representation at Appendix 12 of the report)
- Residents C (Representation at Appendix 13 of the report)
- Resident D (Representation at Appendix 14 of the report)

Mr Horton, Regulatory Compliance Officer, Tameside MBC, presented the Review application (appended to the report to the Panel) on behalf of the Licensing Authority. Mr Horton referred to his witness statement and exhibits, which were attached to the report. Mr Horton informed the Panel that agreement had been reached with the Premises Licence Holder to modify the conditions on the licence with a view to promoting the licensing objectives. Mr Horton had the opportunity to consider the proposed conditions and confirmed that he was satisfied with the conditions and considered that they would meet the licensing objectives going forward.

Mr Robinson commented that whilst the proposed conditions were acceptable the Panel could consider (in view of the concerns raised by some residents) conditions requiring the Premises Licence Holder / Designated Premises Supervisor to undertake perimeter checks and other steps to prevent noise escape whilst music was being played in the premises.

Mr Mallion then presented the representation that had been submitted on behalf of Tameside MBC Population Health (appended to the report to the Panel). 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. A witness statement from PC Thorley detailed the police investigation and the content of the CCTV.

An application was made by Greater Manchester Police to exclude the public and press for part of the hearing, namely, whilst the CCTV evidence was presented. The grounds of the application were that the CCTV identified persons not involved in any illegal activity.

Having applied the public interest test (Sch 12A LGA 1972/Reg 14 of the Licensing Hearing Regs) the Panel decided to proceed with the hearing in private but only whilst the CCTV was played and any questions regarding the CCTV content were asked and answered. The Panel considered that to proceed with this part of the hearing in public would be prejudicial to the interests of the persons identified on the CCTV and more generally, the interests of justice.

Key extracts of the CCTV recordings of the premises on the relevant dates were played in the private part of the hearing. Once this part of the hearing was concluded, the hearing returned to public session.

PC Thorley informed the Panel that agreement had been reached with the Premises Licence Holder to modify the conditions on the licence with a view to promoting the licensing objectives. He had the opportunity to consider the proposed conditions and confirmed that he was satisfied with the conditions and considered that they would meet the licensing objectives going forward. He supported the idea of the Premises Licence Holder / Designated Premises Supervisor to undertake perimeter checks.

Mr Robinson read out Resident D's written representation (appended to the report to the Panel). Resident D then spoke in the hearing by telephone (on loudspeaker) and answered questions.

Residents C referred to their written representation (appended to the report to the Panel) and answered questions.

Mr Robinson read out Resident A's written representation (appended to the report to the Panel) who had left the meeting prior to this point and had not returned, and Resident B's written representation (appended to the report to the Panel).

The hearing adjourned at 12.26 for a lunch break and re-convened at 12.58.

Mr Taylor, on behalf of the Premises Licence Holder, addressed the Panel and acknowledged that the CCTV made for very poor viewing as did the management of the premises at this time. He explained that Ei Group Limited had supported the Designated Premises Supervisor to help manage the premises and had been in regular contact with them. Following a number of issues, the Designated Premises Supervisor had been removed in September 2020. However, contrary to clear instructions, the Designated Premises Supervisor opened up to trade.

Mr Taylor informed the Panel that following discussions between the Premises 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 add to those currently in Annex 2 to the licence. The proposed conditions are appended to the Minutes at Appendix A and if approved would appear in Annex 3 to the licence.

In order to address noise issues whilst music was being played in the premises, other proposed conditions included closing windows and undertaking perimeter checks, were agreed by Ei Group Limited. It was stated that good management was also key, however, there was no proposal to appoint a new Designated Premises Supervisor at present and the premises were still subject to national lockdown restrictions.

All parties were provided with 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 Senior 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, public safety, the prevention of crime and disorder and the prevention of public nuisance.

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

The Panel noted that:-

- Local residents had reported problems with crime, disorder, anti-social behaviour and nuisance at the premises over a long period, particularly late in the evening and at the front of the premises.
- The premises have had a serious adverse impact on the local community with regard to crime and disorder and nuisance.
- In 2018 following a review application by the Police, the Manager at the time was removed and additional conditions were added to the premises licence.
- On 4 July 2020, an inspection at the premises found them to be non-compliant with the coronavirus regulations. Following the visit, concerns were raised with Ei Group Limited that the Designated Premises Supervisor was unable to manage the premises effectively and verbal warnings were given.
- On 11 July 2020, the premises were trading beyond the permitted hours with customers on the premises until 4.00am (confirmed by CCTV). Following which, Ei Group Limited were issued with a warning letter.
- On 14 August 2020, an inspection of the premises revealed that a jukebox in the premises was being operated and the volume of music was at an unacceptably loud level in breach of Government Guidance. Ei Group Limited were issued with a warning letter.
- On 15 August 2020, a large brawl involving approximately 15-20 people took place inside the premises and spilled out onto the street. The incident was not reported to the Police. CCTV identified that prior to the fight taking place, Covid regulations had been breached, large groups were together / not socially distanced and the Designated Premises Supervisor had been watching football and drinking within the large group. Ei Group Limited were requested to stop showing football matches.
- On 11 September 2020, an inspection of the premises revealed a DJ playing loud music. The Designated Premises Supervisor was asked to turn the music down. The Designated Premises Supervisor, who was extremely intoxicated, became confrontational towards the Police. A warning letter was issued to the Designated Premises Supervisor.
- On 14 September 2020, the Licensing Authority contacted Ei Group Limited to request the immediate removal of the Designated Premises Supervisor and voluntary closure of the premises. Ei Group Limited terminated its contract with the Designated Premises Supervisor and confirmed that the premises would remain closed whilst the Designated Premises Supervisor remained on site until a replacement was appointed.
- However, on 17 September 2020, the premises re-opened and were inspected. The inspection revealed that the Designated Premises Supervisor was on the premises and intoxicated. Greater Manchester Police served a Closure Notice under the Antisocial Behaviour Crime and Policing Act 2014, closing the premises for 24 hours.
- On 18 September 2020, a Direction Notice was served under the Health Protection (Coronavirus Restrictions) England Regulations 2020. This notice required the premises to close from 18 September 2020 until 12 October 2020.
- On 18 September 2020, Ei Group Limited submitted an application to the Council to remove Ms Deborah McCallum from the position of Designated Premises Supervisor at the premises.
- In October / November 2020 a Neighbourhood survey was undertaken. This revealed that a number of local residents had concerns regarding the problems of crime, disorder and nuisance linked with the premises.
- In November 2020, the Licensing Authority and Greater Manchester Police held a meeting with Ei Group Limited. Proposals to modify the licence were discussed. Proposals had recently been submitted and agreed by the Licensing Authority and Greater Manchester Police.
- The Licensing Department had received historical complaints regarding disorder and antisocial behaviour, including noise and drug use associated with the premises dating back through the tenure of previously appointed Designated Premises Supervisors at the premises.
- Ei Group Limited had provided relevant information and advice to the Designated Premises Supervisor to avoid a breach of the Covid restrictions.

The Panel considered all available options and had real concerns in respect of the adverse impact that the premises have had on the local community and seriously considered the option of revocation of the licence.

However, on balance, having carefully scrutinised the proposed change in trading hours and additional conditions, the Panel considered that the imposition of reduced trading alongside additional conditions would be a proportionate and appropriate response to the identified issues.

The Panel noted the existing conditions including the mandatory conditions, which prohibited irresponsible drinks promotions, including those which could reasonably be considered to condone or encourage anti-social behaviour. The Panel remained concerned about the promotion of the premises as a 'Sports Bar' with drinks promotions and expected that the Premises Licence Holder to review this going forward as necessary to promote the licensing objectives.

Accordingly, the Panel concluded that the step that it considered appropriate to promote the licensing objectives, in particular the prevention of crime and disorder and the prevention of public nuisance, was to reduce the trading hours and modify the conditions attached to the licence.

**RESOLVED**

**That the conditions listed at Appendix A be added to the Premises Licence at Annex 3 with immediate effect.**

# APPENDIX A

## Jolly Hatters, 119 Town Lane, Denton, M34 2DJ

### Reduction in hours

- The terminal hour for all licensable activities permitted by the premises licence is to be reduced to 2300.
- The closing time of the premises is to be amended to 2330.
- New Years Eve hours to be 0900 – 0100 (closing 30 minutes thereafter).

### Additional Conditions

1. There will be no consumption of alcohol or other drinks permitted in the front garden area. No furniture (e.g. benches, chairs, tables) shall be placed in the front garden area.
2. The Designated Premises Supervisor 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.
3. In addition to the above requirement, whenever any of the events listed below are to be shown on televisions within the premises, a minimum of two SIA door supervisors shall be employed at the premises, two hours before the start of each event specified below until 30 minutes after the close of business -
  - i. Any football match involving Manchester City or Manchester United
  - ii. Any international football match when England are playing in the Euros, World Cup or any international qualifier
  - iii. Any other match deemed as high risk by Greater Manchester Police and notified to the Designated Premises Supervisor as such
  - iv. Any boxing, wrestling or mixed martial arts shown with a domestic fighter involved
  - v. Any other sporting event specified notified to the Designated Premises Supervisor by Greater Manchester Police
4. Whenever the premises are open for licensable activities after 2000, a personal licence holder will be on the premises.
5. 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.
6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
7. 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.
8. No music to be played outside at any time.