

Report to:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	11 August 2021
Reporting Officer:	Emma Varnam – Assistant Director Operations & Neighbourhoods
Subject:	APPLICATION FOR A REVIEW OF A PREMISES LICENCE – PL0397 – SNIPE INN, 387 MANCHESTER ROAD, AUDENSHAW, M34 5RP
Report Summary:	Members are requested to determine the application
Recommendations:	<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"> a) Modify the conditions of the licence b) Exclude a licensable activity from the scope of the licence c) Remove the designated premises supervisor d) Suspend the licence for a period not exceeding 3 months e) Revoke the licence
Corporate Plan:	Living Well – Improve satisfaction with local community
Policy Implications:	Members are provided with policy guidelines to assist in the decision making process.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	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.
Legal Implications: (Authorised by the Borough Solicitor)	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.
Risk Management:	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.
Access to Information:	The author of the report is Mike Robinson, Regulatory Services Manager (Licensing)
Background Information:	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 Snipe Inn, 387 Manchester Road, Audenshaw, M34 5RP is a licensed premises, the premises licence holder is Frederic Robinson Ltd. A copy of the premises licence is attached at **Appendix 1**.
- 2.2 A site plan, including an up to date photograph of the premises is attached at **Appendix 2**.
- 2.3 The premises had been visited on 9 and 15 October 2020 in relation to the failure to comply with coronavirus restrictions. Specifically the failure to ensure effective social distancing controls are in place, failure to manage customers and allowing people to attend a gathering in the premises not in accordance with the Coronavirus Regulations.
- 2.4 The issues were raised with the management of the premises. The Premises Licence Holder was also informed of the concerns and the failure of the management of the premises to comply.
- 2.5 Due to a serious and imminent threat to public health, on 16 October 2020 it was deemed necessary for the Council to serve a Direction Notice requiring the premises to close immediately. The Notice required the premises to remain closed until 2 November 2020.
- 2.6 Following the Direction Notice the premises remained closed until 12 April 2021. Before the premises reopened a meeting took place between Licensing, Greater Manchester Police and representatives of Robinson's on 3 February 2021. The purpose of the meeting was to discuss how the premises would comply with the Covid restrictions upon reopening. It was suggested by the authorities that a change of the Designated Premises Supervisor (DPS), formerly the tenant, Ms Sarah Harwood, was required. Following the meeting, an application was received on 1 March 2021 to specify Geoffrey Lee as the DPS.
- 2.7 On 29 May 2021, Police attended the Snipe Inn in response to a 999 call to fighting in the beer garden where a male was assaulted which turned into a brawl. The victim received a serious injury to the head.
- 2.8 On 12 June 2021 Police Officers came across a large scale fight involving over 30 people where all parties refused to engage with Officers. A witness later makes a call to Police to state they saw a male involved be purposely hit by a vehicle.

- 2.9 On Tuesday 6 July 2021, Greater Manchester Police executed search warrants at a number of premises linked to the tenant of The Snipe Inn, 387 Manchester Road, Audenshaw. One of the addresses searched was The Snipe Inn, during the search of the premises Officers found a cannabis farm in the upstairs accommodation of the premises with ten mature plants being grown. The electricity meter had been bypassed and a substantial sum of money was seized by Police.
- 2.10 The DPS at the time, Geoffrey Lee, who lived at The Snipe, 387 Manchester Road, Audenshaw and was on site at the premises at the time the warrant was executed. Mr Lee was arrested for being concerned in the production of controlled drugs.
- 2.11 At approximately 12:50pm on Tuesday 6 July 2021, PC Martin Thorley from Greater Manchester Police submitted an application to the Licensing Authority for an expedited review of the premises licence in accordance with s53A of the Licensing Act 2003. A copy of PC Thorley's application is attached at **Appendix 3**.
- 2.12 In addition, PC Thorley also submitted a certificate in accordance with s53A(1)(b), signed by Superintendent Rachael Harrison, to the effect that the premises is associated with serious crime. A copy of the certificate is attached at **Appendix 4**.
- 2.13 On 7 July 2021, an Interim Steps hearing took place. The decision of the Panel was to remove Geoffrey Lee as the DPS and immediately suspend the premises licence pending a review of the premises licence. A copy of the decision letter in relation to this hearing is attached at **Appendix 5**.

3. REPRESENTATIONS & EVIDENCE SUBMITTED

3.1 TMBC Licensing Authority

A representation has been received by Rebecca Birch, Regulatory Compliance Officer on behalf of the Licensing Authority. This is attached at **Appendix 6**.

3.2 Greater Manchester Police

Further evidence has been received from PC Thorley on behalf of Greater Manchester Police, a statement is attached at **Appendix 7**.

4. HOME OFFICE GUIDANCE

- 4.1 In determining this review, the Panel must have due regard to the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy 2016-2021 published pursuant to s5 of the Licensing Act 2003.
- 4.2 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 sections 12.22, 12.23 and 12.24, where a Licensing Authority considers action under its statutory powers:

12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any

interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).

12.23 In making its final determination the steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

5. CONCLUSION AND OPTIONS FOR THE PANEL

5.1 The Panel is requested to consider the content of this report and appendices and any oral evidence/submissions put forward at the hearing and to determine this review and to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are set out at the front of the report.