

PRIVATE AND CONFIDENTIAL

Mr B Robinson, Director, Robinsons
Mr A Massey, Area Manager, Robinsons
Ms Faud, Napthens Solicitors

Robert Landon
Head of Democratic Services

Democratic Services, Floor 4,
 Tameside One, Market Place,
 Ashton-Under-Lyne, OL6 6BH

Call Centre 0161-342-8355

www.tameside.gov.uk

email: Carolyn.eaton@tameside.gov.uk

Ask for Carolyn Eaton
 Direct Line 0161 342 3050
 Date 7 July 2021

TAMESIDE MBC
Speakers Panel (Liquor Licensing)
Councillors Lewis (Chair), Bowden and Quinn
7 July 2021

DECISION NOTICE

Application hearing: Licensing Act 2003
Premises: The Snipe, 387 Manchester Road, Audenshaw, M34 5RP
Application for an Expedited Review of a Premises Licence (Interim Steps Decision)

The hearing was heard by remote video conference (via zoom) and in public (via webcam)
The hearing commenced at 10.30am and concluded at 11.55am (including decision time).

In attendance:**Tameside MBC (general):**

- Carolyn Eaton, Principal Democratic Services Officer, Tameside MBC
- David Joy, Solicitor, Tameside MBC

Tameside MBC, Licensing Authority:

Mike Robinson, Regulatory Services Manager, Tameside MBC

Applicant:

- PC Martin Thorley, Police Licensing Officer, Greater Manchester Police

Licence Holder:

- Ben Robinson, Director, Robinsons, Premise Licence Holder
- Tony Massey, Area Manager, Robinsons, Premise Licence Holder
- Samantha Faud, Solicitor, Napthens

INTRODUCTION

The Police requested that the application be considered in private due to the ongoing criminal investigation. The Police did not seek to exclude the Licence Holder and its legal representative from the private part of the hearing.

There was no objection from the Licence Holder.

The Panel briefly retired to consider the issue. The meeting was re-convened and the following decision was announced to the hearing:

EXCLUSION OF PRESS AND PUBLIC

With reference to Schedule 12A of the Local Government Act 1972 (as amended) and Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, that the press and public be excluded for the next part of the meeting on the grounds that, having applied the public interest test, the hearing or part of it, being in public is outweighed by the public interest in the hearing or part of being held in private.

The hearing moved to a private hearing.

Mr Mike Robinson, Regulatory Services Manager, Tameside MBC

Mr Robinson presented the report to the Panel. Additional information relating to the licensing history of the premises was referred to.

Section 53A of the Licensing Act 2003 outlines the procedure whereby the police may apply to the Licensing Authority for an expedited review of a premises licence.

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 was attached at Appendix 1 to the report to the Panel.

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 was associated with serious crime. A copy of the certificate was attached at Appendix 2 to the report to the Panel.

Section 53A of the Licensing Act 2003 required the licensing authority, on receipt of an application for an expedited review, within 48 hours of the time of its receipt, to consider under section 53B whether it was necessary to take interim steps pending the determination of a review of the premises licence.

The interim steps the licensing authority must consider taking were:

- (a) The modification of the conditions of the premises licence;
- (b) The exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) The removal of the designated premises supervisor from the licence,
- (d) The suspension of the licence.

PC Martin Thorley, Police Licensing Officer Greater Manchester Police

PC Thorley presented the application on behalf of Greater Manchester Police.

At approximately 06:00 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 had been seized by Police.

The Designated Premises Supervisor, Geoffrey Lee, who resided on site at The Snipe, 387 Manchester Road, Audenshaw, was present at the premises at the time the warrant was executed. Mr Lee was currently in custody having been arrested for being concerned in the production of controlled drugs.

Greater Manchester Police had concerns that the management of the premises were failing to promote the licensing objective of the prevention of crime and disorder due to serious crime regarding the cultivation of Cannabis being present on the premises.

The Police submitted that the powers contained under Section 53A of the Licensing Act 2003 were appropriate to be exercised.

In the interim, Greater Manchester Police, whilst noting the voluntary actions taken by the licence holder, requested that the Licensing Authority considered suspension of the premises licence until the full review is heard before the Panel. The Police view was that there was a risk of further criminality taking place on the premises if it were to remain open.

PC Thorley had included details of recent issues with the management of the premises. Breaches during covid – change of DPS – closed following direction up to 12/4/21.

Meetings had been held with the area manager.

Miss Harwood (previous DPS) was now a tenant.

There had been previous/recent assaults/fights at the premises.

Persons banned from other premises had been allowed into the Snipe.

The absence of door staff at the premises under the current DPS remained a concern for the Police.

The Licence Holder had co-operated. There remained some disagreement over the need for door staff at the premises.

The Police view was that the extent of the cannabis cultivation on the premises was such that the tenant (former DPS) and current DPS must have known of the extent of the criminality occurring on the premises. The former DPS remained as tenant despite concerns.

PC Thorley presented photos to the hearing regarding the search of the premises undertaken by the Police. The photos indicated an extensive and organised cannabis cultivation in the residential part of the premises.

Mr Lee's takeover as DPS resulted in the door staff being removed. The Police consider that this had contributed significantly to the recent issues.

Licence Holder

The following submissions were made by Ms Faud and Mr Massey on behalf of the Licence Holder:

- Robinsons was a family run business and had been so since 1849. The company owned/operated a large number of licensed premises.
- There were very few issues with its premises as the company was very reactive to issues and working with the Police and other agencies.
- The premises had previously been closed voluntarily by the Company when issues arose.
- Risk assessment for door staff undertaken.
- Agreeable to a requirement that any new DPS engage with Pub Watch.
- Vehicle recognition was being considered for the premises car park to help with security at the premises and help promote the licensing objectives.
- The former DPS and current tenant was resident under the terms of a tenancy at will. 24 hours notice was given yesterday to the tenant and she was due to leave today.
- The property was to be secured against re-entry (with a caretaker in place).
- The licence holder had no knowledge of the criminal activity. Mr Massey/Mr Bradford from Robinsons had not been in living quarters for 16 months or longer. A recent attempt to gain access was not successful.
- The photos presented by the Police were from the living quarters of the premises.

- The Licence Holder intended to keep the premises open. The premises to be a managed site rather than tenanted in the foreseeable future.
- The Licence Holder was keen to work with the Police to identify a way forward for the premises.
- Interim steps - the licence holder has or is to remove the current DPS. The Licence holder said that a suspension of the licence was not necessary as without a DPS the premises could not operate the licence. Any new DPS would be subject to approval from the Police.

The Panel retired at 11.25am to reach its decision and returned at 11.50am. The decision was given in public.

DECISION / REASONS

In determining this matter, the Panel had taken into account:

- 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 (including the specific Guidance issued in relation to s53A), and the licensing objectives.

The Panel was satisfied that there was clear evidence that for the purposes of s53A there had been a serious crime committed on the premises.

The Panel noted the licence holder's intention to retain the licence going forward and to work closely with the police to avoid a repetition of recent events. The Panel welcomed the immediate voluntary steps taken by the Licence Holder, namely, proposed removal of the DPS, proposed removal of the tenant, the securing and voluntary closure of the premises pending the appointment of a new DPS (and the review of the licence).

However, having regard to the circumstances and the recent issues with management of the premises and the risk of further criminality, the Panel considered that it was necessary, in order to promote the crime and disorder objective, to take interim steps pending determination of a review of the premises licence.

The Panel considered all available options and concluded that the appropriate and proportionate interim steps in this matter were that:

1. The designated premises supervisor be removed (this was included to formalise the step proposed by the licence holder)
2. The premises licence be suspended pending a review of the premises licence (to be within 28 days after the day of receipt of the s53A application). The Panel considered that this step was necessary as the re-appointment of the DPS was not the only issue to be considered with regard to these premises, going forward.

The suspension would take effect immediately and remain in force until the determination of the review (and the outcome of any appeal in relation to the review decision). A review hearing would take place within 28 days of the submission of the application.

NOTE:

For the purposes of section 53B(5)(b) of the Licensing Act 2003 immediate notice of this decision was given orally to all parties at the hearing (with a written decision with reasons to follow).

The premises licence holder was advised of its continuing right to make representations against the interim steps.

Yours faithfully,



Carolyn Eaton
Principal Democratic Services Officer and
Clerk to the Speakers' Panel (Liquor Licensing)

c.c Mr Mike Robinson, Regulatory Services Manager, Tameside MBC
PC Thorley, GMP
Mr David Joy, Solicitor, Tameside MBC