

SPEAKERS PANEL (LIQUOR LICENSING)

10 August 2021

Commenced: 10.00am

Terminated: 12.10pm

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

In Attendance:

Mike Robinson	Regulatory Services Manager, TMBC
Rifat Iqbal	Legal Representative, TMBC
Matthew Johnson	Applicant
David Fisher	Designated Premises Supervisor
Residents submitting representations	

6 DECLARATIONS OF INTEREST

There were no declarations of interest.

7. MINUTES

The Minutes of the previous meetings held on 6 July and 7 July 2021 were agreed as a correct record.

8. APPLICATION FOR A NEW PREMISES LICENCE – THE BILLY GOAT PUBLIC HOUSE, 71-73 STAMFORD STREET, MOSSLEY, OL5 0JS

Mr Robinson presented the report to the Panel and identified the steps available to the Panel in determining the application.

Mr Robinson informed the Panel of the brief background to the application as set out in the report and summarised the representations received from:

- Local residents (4)

The Billy Goat Public House, 71-73 Stamford Street, Mossley, OL5 0JS was a former licensed premises. A site plan, including an up to date photograph of the premises, was attached at **Appendix 1** to the report.

On 8 June 2021, the Licensing Office received an application from Mr Matthew Johnson for a premises licence at Billy Goat, 71-73 Stamford Street, Mossley OL5 0JS. The application was summarised as follows:

- Live Music:
Monday – Sunday (15:00hrs – 00:00hrs)
- Recorded Music:
Monday-Sunday (12:00hrs – 00:00hrs)
- Late night refreshment
Monday-Sunday (23:00hrs – 00:00hrs)
- Supply of alcohol (On and Off the premises)
Monday-Sunday (12:00hrs – 00:00hrs)

A copy of this application was attached at **Appendix 4** to the report.

The previous premises licence for the Billy Goat was revoked by the Speaker's Panel (Liquor Licensing) on 23 July 2020. The licence was revoked following the premises trading in clear breach of The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 coming into force on 21 March 2020 at 2:00pm which required pubs, bars, restaurants and other specified premises to close. On this date, the premises continued to trade, even after being told by police officers to ensure all customers leave and to close the premises. A copy of the decision letter was attached to the report at **Appendix 2**.

On 19 February 2021, the Licensing Office received an application from David Fisher for a premises licence at Billy Goat, 71-73 Stamford Street, Mossley OL5 0JS. During the consultation period representations were received from Greater Manchester Police, the Licensing Authority and 6 members of the public. As such, the application was referred to the Speaker's Panel (Liquor Licensing) and the application was refused on 6 April 2021. A copy of the decision letter was attached to the report at **Appendix 3**.

A comparison table of licensable hours at other licensed premises in Mossley was attached to the report at **Appendix 5**.

A proportionate list of conditions had been agreed prior to the meeting between the applicant, PC Thorley (Greater Manchester Police) and James Horton (Tameside MBC Licensing) in order to promote the licensing objectives and mitigate the concerns of the nearby residents. A copy of the agreed conditions was attached to the report at **Appendix 6**.

The agreed conditions were provided to the residents for consideration with a meeting taking place with **Resident 1** on 6 July 2021 who was acting on behalf of the other residents that had submitted representations. **Resident 1** did not feel that the agreed conditions went far enough to mitigate their concerns and provided a response which was attached to the report at **Appendix 7**.

Mr Robinson referred the Panel to the Council's Statement of Licensing Policy and the Statutory Guidance.

The following submissions were made by the applicant in support of the Application.

- The Applicant stated he would read from a written statement
- The Applicant confirmed Mr Victor Bowers lease had been brought to an end.
- The applicant stated both Mr Victor Bowers and Ms Kath O'Neill (the previous DPS) will not be permitted on the premises and have no involvement with the pub going forward.
- Mr Johnson stated he was not aware of the previous issues encountered at the premises with no contact being received from the Police or the local authority. He stated the family learnt of the issues involving the Covid breaches through publicity on social media.
- The premises car park was used by parents of children attending St George's Primary School, which the Applicant had no issue with as it assisted with easing parking congestion however would be willing to comply with any restrictions imposed upon them in relation to this.
- By making this application for a premises licence under the Applicant changes would follow with the premises:
 - remaining as a public house
 - the Designated Premises Supervisor would be Mr David Fisher who had previous experience in the industry, has had some involvement with the premises in the past, is SIA registered and had attended various courses.
- The Applicant stated regular check-ins would take place with Mr Fisher and ensure no issues were arising affecting the residential community. Any matters arising would be addressed accordingly.
- Live music had been sought by the Applicant as it was regarded as being a popular way of attracting people to the venue.

- The Applicant addressed the proposed opening hours noting some premises in the area opened 5 days a week however this premises would be open 7 days a week to enable services/ facilities to be provided for funerals and christenings.
- Should the premises not be viable to open 7 days a week, the Applicant stated they would address this accordingly with reduced opening hours.

The Applicant gave the following responses to questions:

- He confirmed that he would do weekly/ fortnightly check-ins with Mr Fisher. He stated both he and his family lived local to the premises and would be attending at the premises and checking everything is as it should be.
- He confirmed in response to a question from Mr Robinson, that he would agree to a condition being added to the licence for no smoking at the front of the building.
- The Applicant stated he had held a licence between 2008 and 2011 with his late father managing the premises.
- The Applicant had no evidence as to how many funerals take place on a Monday or a Tuesday however wanted to have the option as a business to be open on those days of the week.
- The Applicant stated he had no evidence of how the trade would be affected if it was closed 1 or 2 days a week. Given the pandemic and what had happened over the last 18 months with businesses now trying to get back up and running, the Applicant wanted to have every opportunity available to make the premises a success.
- The Applicant stated he had met with the Police and the local authority and agreed conditions, whilst wanting to keep everyone happy this was not possible given the residents wanting the conditions to go further with the trading hours reduced.
- In relation to the financial funding questions and changes/improvements required to the building to meet industry standards to reduce noise nuisance, Mr Fisher answered these questions from Resident 2 and stated he understood the concerns being raised in relation to previous poor management at the premises which was unacceptable it had happened. Mr Fisher stated he did not want to open the premises up for complaints to be received. A discussion took place in relation to the extent of double glazed windows at the premises.

The Applicant and Mr Fisher clarified the matter being discussed today was in relation to the premises and not land at the rear of the premises

The following local residents attended the hearing and presented their representations to the Panel

- Resident 1 (Representation at **Appendix 8**)
- Resident 2 (Representation at **Appendix 11**)

The residents amplified their representations and responded to questions as follows:

- Resident 1 stated they were not objecting to the premises re-opening however were concerned with the noise aspect given the issues encountered in the past by residents and no steps taken to resolve matters when the premises were previously licensed.
- Resident 1 stated other premises in the area were still able to run and make a profit with reduced opening hours when compared with this application.
- Resident 1 stated the noise nuisance issues arose after 11pm to midnight. It was felt pub goers would leave other licensed premises knowing The Billy Goat was open late and a place at which they could get very drunk.
- Resident 1 stated the conditions agreed between the Applicant, the Police and the Licensing Authority did not far enough to deal with the current condition of the building and restricting the flow of noise from the premises with sound proofing and sufficient window glazing.
- Resident 1 felt he was not being unreasonable and noted other premises have live music and DJ sessions on twice a week, Tuesday for acoustic and a DJ on a Saturday and failed to understand why this premises wanted to open 7 days a week from 12 midday to midnight each day.

- Resident 1 requested a similar approach be adopted to the premises Summer Quays and for the opening hours to be varied together with a liaison officer being identified for communications between the parties. By having a variation to the opening hours Resident 1 stated this would resolve the issues and allow for the pub to re-open.
- Resident 2 stated profits should not be overrule the wellbeing of the residents and the antisocial behaviour suffered by the residents when the premises was open.
- Resident 2 stated over the last 18 months since the closure of the premises, their quality of life had much improved with no more disturbances late at night and their front doors no longer being banged on when patrons of the pub left the premises late at night very drunk.
- The impact upon the mental health and wellbeing of Resident 2 and her family had been immense and stated if the licence was to be granted there would be a negative impact upon the residents. Resident 2 concluded the premises licence should not be granted at this time.

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 submissions, 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 Principal 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 determined the application pursuant to s18(3) of the Act having regard to the relevant representations and the requirement to take such steps as it considered appropriate to promote the licensing objectives.

The key points were as follows:

- The premises were located close to residential premises. Local residents reported that there had been problems for some years with the premises – including general anti-social behaviour, loud music and noise (often late at night). The Panel were satisfied that there had been a serious impact on local residents arising from the poor management of the premises over a number of years.
- In March 2020 there were serious breaches of the Covid-19 restrictions.
- As a result of the Covid-19 breaches the premises licence granted to Mr Victor Bowers was revoked following a Licensing Hearing in July 2020. An appeal against this decision was lodged but subsequently withdrawn in December 2020.
- A new application was received on 19 February 2021 from Mr David Fisher. Relevant representations were received from the Police, the Licensing Authority and local residents following a Licensing Hearing on 6 April 2021 was refused.
- The Applicant had presented details of how the premises are intended to operate with a view to having a family run pub.

The Police and Licensing Authority had reached a proportionate list of agreed conditions

The Panel considered all available options.

The Panel felt that the Applicant could not be held accountable for the actions and misdemeanours of the previous premises licence holders and designated premises supervisors.

On balance, having carefully considered all of the available information, the Panel concluded that this was an application that should be granted subject to the imposition of an additional condition to those agreed between the applicant, the Police and the Licensing Authority. Specifically, no smoking or drinking to take place in the front curtilage of the premises at any time.

STEPS TAKEN PURSUANT TO S18(4) LICENSING ACT 2003

The step that the Panel considered appropriate to promote the licensing objectives was to grant the application for a premises licence subject to:

- The conditions agreed between the applicant, the Police and the Licensing Authority; and
- Not to use the front of the premises for smoking or drinking at any time.

Parties were reminded that the Licensing Act 2003 provided a flexible approach to licensed premises. If any issues arose with regard to licensed premises which could not be resolved, a formal review of a licence could take place. An application to vary a licence could also be made.

The Panel thanked those attending the hearing for their contribution and assisting the Panel in reaching its decision.

RESOLVED

That the application be granted subject to the imposition of conditions as detailed above and in Appendix A to these Minutes.

CHAIR

APPENDIX A

The Billy Goat – Conditions imposed 10 August 2021

Staff Training

- i. Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters.
- ii. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.
- ii. Training regarding recognising the effects and signs of the consumption of Drugs and other substances under the Psychoactive Substances Act 2016 given to staff. Immediate removal from the premises of anyone found or believed to have consumed any drug or psychoactive substance.

List of Authorised Persons

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

Personal Licence Holder to be on Premise at All Times

A Personal Licence Holder must be present at the premises at all times licensable activities, live music (amplified or unamplified), recorded music or any other types of entertainment (amplified or unamplified) are taking place.

CCTV

- (i) A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.
- (ii) The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.
- (iii) The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.
- (iv) Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.
- (v) A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.
- (vi) The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

(vii) Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights act.

Challenge 25

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

Incident Book

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities and must be used to record the following:

- i. Any incident of violence or disorder on or immediately outside the premises.
- ii. Any incident involving controlled drugs (supply / possession / influence) on the premises.
- iii. Any other crime or criminal activity on the premises.
- iv. Any refusal to serve alcohol to persons who are drunk (on sale and off sale premises only).
- v. Any refusal to serve alcohol to under 18s.
- vi. Any call for police assistance to the premises.
- vii. Any ejection from the premises.
- viii. Any first aid / other care given to a customer.

External Unamplified Music

Unamplified music permitted outside until 21:00hrs.

Perimeter Inspections

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 take place on Stamford Street and Bakewell Lane and are to be recorded in a book, which must be made available for inspection to Local Authority Officers and Greater Manchester Police on request.

Entertainment to be Inaudible

Noise generated by regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) must be inaudible at the nearest noise sensitive location.

Doors & Windows

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.

Door Staff

If the premise remains open past 00:00hrs, then a minimum of 2 SIA licensed door supervisors must be in place from 9pm until 30 minutes past the last sale of alcohol.

When SIA licensed door supervisors are on duty 'clickers' or other recognised counting devices shall be used. An accurate log of patron numbers shall be maintained by door supervisors. Maximum capacity of the premises is 170 persons

All SIA licensed door supervisors shall be provided with a radio which allows communication between all members of the door supervisor team and the bar supervisor and /or DPS.

All security staff to wear body cameras with facial recognition capability.

The Body cameras should record footage for the duration of the opening hours of the premises and be downloaded and/or stored and made available to any responsible authority for a minimum of 28 days.

The cameras will have the facility to record conversations.

Cameras will have a serial number and will be allocated to an individual member of staff for the duration the opening hours of the premises.

The cameras will be booked in and out to a member of staff in a register on a daily basis which will be available for inspection by any responsible authority

A monthly meeting will take place with all members of staff and security relating to all the training that is mentioned in the conditions on the licence. A register of this training will be kept on the premises and available to all responsible authorities at any time, documenting names dates times and the signature of the staff receiving the training.

Door Staff Log

A Door Supervisor Log shall be correctly maintained at the premises. This will include the following details:

- (i) The door staff names, dates of birth and home addresses;
- (ii) Full details, name, address and contact number of employment agency used

And for each individual period of trading:

- (iii) The name of the individual member of door staff
- (iv) His/Her Security Industry Authority licence number
- (v) The time and date He/She starts and finishes duty
- (vi) The time of any breaks taken whilst on duty
- (vii) Each entry shall be signed by the door supervisor, Designated Premises Supervisor or nominated person

Policies and procedures for door staff shall be in place around dispersal techniques for customers and procedures for dealing with incidents that occur in or around the vicinity of the premises. These shall be provided to the police and authorised officers of Tameside MBC upon request.

Patrons under 18 years old

Patrons under 18 will only be granted entry if accompanied by a responsible adult.

Adults must be responsible for children at all times.

Children will not be allowed at any bar area.

Involvement

The former Premises Licence Holder, Victor Bowers and former Designated Premises Supervisor, Kathleen O'Neill, shall not be permitted to enter or remain on the licensed premises at any time. Nor shall they be employed by, or act on behalf of the Premises or the Premises Licence Holder in any capacity whatsoever whether directly or indirectly or provide any services for the Premises (directly or indirectly and whether for reward or otherwise).

Notice to Customers

Notices requesting customers to leave quietly must be displayed in a prominent position next to each entrance/exit. The Designated Premises Supervisor must ensure that customers are encouraged to keep noise to a minimum when leaving the premises so as not to cause a nuisance to local residents. Furthermore, In order to minimize the risk of public nuisance the management of the premises must monitor customers smoking outside the premises and ensure patrons do not cause a public nuisance.

Beer Garden

The beer garden area must only be used as a smoking area from 21:00hrs. All drinks to remain inside the premises from this time onwards.

Front Curtilage

No glassware or alcohol to be taken beyond the front entrance of the premises at any time.

No smoking to take place at the front entrance of the premises at any time.

Licensable Activity Timings

Supply of Alcohol permitted from 12:00hrs-00:00hrs

Late Night Refreshment permitted from 12:00hrs-00:00hrs

Recorded Music permitted from 12:00-00hrs

Live Music permitted from 12:00hrs-23:30hrs

There will be no sales of alcohol for consumption off the premises at any time.