

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

**11 August 2021**

**Commenced: 10.00am**

**Terminated: 12.45pm**

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

<b>In Attendance:</b>	<b>Mike Robinson</b>	<b>Regulatory Services Manager, TMBC</b>
	<b>Ms Birch</b>	<b>Regulatory Compliance Officer, TMBC</b>
	<b>Rifat Iqbal</b>	<b>Legal Representative, TMBC</b>
	<b>PC Thorley</b>	<b>Greater Manchester Police</b>
	<b>Mr Robinson</b>	<b>Director, Frederic-Robinson Ltd</b>
	<b>Mr Massey</b>	<b>Area Manager, Frederic-Robinson Ltd</b>
	<b>Ms McKenna</b>	<b>Business Development Manager, Ignition Pub Limited</b>
	<b>Ms Faud</b>	<b>Solicitor, Napthens Solicitors</b>

### **9. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **10. APPLICATION FOR A REVIEW OF A PREMISES LICENCE – PL0397 – SNIPE INN, 387 MANCHESTER ROAD, AUDENSHAW, M34 5RP**

A Certificate pursuant to s53A(1)(b) was submitted to the Licensing Authority signed by Superintendent Rachael Harrison and dated 6 July 2021.

The Police submitted evidence of a serious crime having been committed at the premises on the same date, 6 July 2021.

On 7 July 2021 the Speakers Panel (Liquor Licensing) held a hearing to consider taking interim steps pending a full review of the licence. The hearing was attended by and the Panel heard submissions on behalf of the Licensing Authority, Greater Manchester Police and the Premises Licence Holder.

The decision of the Panel was to suspend the licence pending the full review. A copy of the decision notice can be found at **Appendix 5** of the report.

On the 11 August 2021 a Speakers Panel (Liquor Licensing) of Tameside Metropolitan Borough Council considered a full review of the premises licence under Section 53C of the Licensing Act 2003.

The Licensing Act 2003 (hearings) Regulations 2003 and the Guidance issued pursuant to s182 of the Licensing Act 2003 set out the procedure for the hearing.

Mr Mike Robinson, Regulatory Services Manager, presented the report to the Panel.

Mr Robinson informed the Panel that since the Interim Steps hearing the Licensing Authority and Greater Manchester Police have had discussions with the premises licence holder (and their representative). A number of conditions had been agreed from these discussions:

1. The premises licence hours for the sale of alcohol will be reduced to 11.00-00.00 Friday and Saturday.
2. The opening hours will be Monday to Saturday 11.00-00.30 and Sunday 12.00-00.30
3. The current nonstandard timings are to remain as they are and the following condition added to the premises licence:

*Prior to any occasion on which the premises utilise the non-standard timings, a risk assessment will be carried out to determine how many door supervisors are required. An appropriate number of door supervisors will be utilised in accordance with said risk assessment. As a minimum two door supervisors will be utilised any time the non-standard timings are utilised from 21.00 until the last customer has left the premises and the vicinity.*

4. In relation to sporting events, the following condition to be added to the premises licence:

*Prior to any occasion on which the premises show any televised sporting event, a risk assessment will be carried out to determine if door supervisors are required. As a minimum two door supervisors will be utilised for any football matches involving either Manchester City FC or Manchester United FC from 30 minutes before the scheduled kick off time until one hour after the match concludes.*

5. The following condition to be added to the premises licence:

*Mr James Fox, Mr Geoffrey Lee and Ms Sarah Harwood are not permitted on the premises whilst licensable activities are taking place.*

PC Thorley then presented the case for Greater Manchester Police.

Full details of the serious crime committed at the premises on 6 July 2021 were contained within the Decision Notice dated 7 July 2021 at **Appendix 5** of the report.

PC Thorley stated he had serious concerns regarding crime and disorder at the premises and believed Frederic-Robinson Ltd were unaware of what was taking place at the premises. The clientele over time were not good for the premises resulting in various incidents taking place.

PC Thorley stated it was imperative the premises remained free from serious incidents going forward.

PC Thorley provided an update on the constructive communications had with the parties.

The Panel considered a request to exclude the public/press whilst the Police presented the CCTV evidence of the incident on 6 July 2021 and CCTV footage in relation to other incidents of disturbances at the premises and in the car park on 29 May 2021 and 12 June 2021 which would inform the Panel the basis on which the agreed conditions had been agreed upon.

The Panel heard representations from Ms Faud for the licence holder objecting to PC Thorley's request to show additional CCTV footage that had not been mentioned prior to today's hearing and in any communications that PC Thorley had been having with the Licence holder's representatives since the last hearing. In accordance with Regulation 18 of the Hearing regulations Ms Faud confirmed no consent on behalf of the licence holder to the additional footage being shown and further stated as a result of the discussions held between the parties a list of conditions agreed prior to today's hearing.

The Panel retired to consider the application and upon their return refused the request made by PC Thorley. The Panel had previously viewed the CCTV evidence of the incident on 6 July at the

interim steps hearing held on 7 July 2021. The additional footage requested to be shown by PC Thorley was refused having regard for the representations made by Ms Faud and determined the limited information shared in relation to the additional CCTV evidence would not form part of the Panel's deliberations today other than that contained in the report and its appendices in accordance with regulation 19 of the Hearing regulations.

Ms Birch, Regulatory Compliance Officer, referred to the representation made on behalf of the Licensing Authority at the interim step hearing on 7 July 2021 and the positive constructive discussions that had taken place with all parties since then with a list of agreed conditions reached.

Ms Faud on behalf of the Licence Holder, provided a summary outline on the Expedited Review and interim step voluntarily proposed to remove the designated premises supervisor at the time. Since then Frederic-Robinsons Ltd had taken a number of steps to prepare the premises in order to re-open and have proposed steps that would seek to eradicate the issues previously encountered as a result of the wrong clientele frequenting the premises.

Ms Faud stated Joanna McKenna had been brought in who is an effective manager and had been working with Frederic-Robinsons Ltd in the past and had a close working relationship with the Licence holder and Mr Massey.

Ms Faud further stated meetings and discussions had taken place with PC Thorley who was happy with the conditions that had been proposed and agreed. A designated premises supervisor (DPS) had not as yet been identified and were in the process of finding the appropriate person, at which time discussions would take place with the Police before an application for the DPS being formally submitted.

Ms Faud then referred to Ms McKenna to provide further information on the steps taken and being taken by Frederic-Robinsons Ltd.

Ms McKenna addressed the Panel and stated the focus on recruitment had been to find the appropriate person for the role of the DPS and were looking ideally for a couple with one person to stay at the front of the house and one for the kitchen to enable hot food to be served. The aim was to shift the focus to a Premium premises inviting for families, with drinks being offered of a more premium offering with a shift to a more community pub. Ms McKenna stated the recruitment was now at stage 2 with those shortlisted to physically work in another pub.

Ms Faud then proceeded to talk through the conditions agreed and what was sought to be achieved by these conditions. By reducing the hours of sale of alcohol and drinking time this would remove the requirement for door staff and bring in a change to the clientele visiting the premises. Door staff would be in place where non-standard timings were to operate and for sporting events. Frederic-Robinsons Ltd were happy and have agreed to have named individuals on the agreed conditions who were excluded from the premises when licensable activities were taking place.

Ms Faud further stated voluntary steps had been taken to improve the CCTV system and addressing any previous blind spots. Automatic number plate recognition had been installed and would be live.

Ms Faud stated PC Thorley had discussed concerns about certain individuals being on the premises and to address this, the Licence holder would become an active member of Pubwatch to ensure those individuals were kept out of the premises.

Ms Faud stated the previous tenant had been removed from the premises as a result of the incidents that have taken place and whilst Frederic-Robinson were of the view door staff were not required they had offered to put door staff on in the first fortnight of the premises re-opening and to meet with PC Thorley thereafter to discuss the progress.

Ms Faud submitted that the issues arose as a result of the tenant at the premises who had now been removed. The focus now being to attract the right clientele to the premises and past behaviours not being tolerated.

Mr Robinson asked Ms Faud how long Ms McKenna would be involved in the premises and whether Ms McKenna would become the DPS. Ms Faud replied, Ms McKenna would stay involved with the premises for as long as necessary until the premises is ready and would not be the DPS. Ms McKenna was recruiting for the DPS to ensure the right person was appointed and working closely with Mr Massey to ensure this, to have the premises turned around.

Final submissions were then made by all parties as follows:

- Mr Robinson requested for the Panel to consider the contents of the report and submissions that had been made throughout the hearing and to take such steps as felt appropriate in accordance with the Licensing Act.
- PC Thorley stated it was disappointing given the number of incidents that have undermined the licensing objectives and hoped Frederic-Robinsons Ltd would be true to their word. PC Thorley stated the Police would continue to work with licensed premises across the Borough to remain safe and as such support would be given to Frederic-Robinsons Ltd.
- Ms Birch stated in her submissions the conditions agreed were a step in the right direction to promote the licensing objectives.
- Ms Faud stated on behalf of her clients, Frederic-Robinsons Ltd had acted immediately upon learning of the incident on 6 July 2021. Steps have been taken to turn the premises around and the operating style that would be adopted going forward with a new management company in place. Ms Faud stated the agreed conditions were an appropriate way to deal with the review of the premises licence together with door supervisors for the first two weekends of opening.

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 took into account all oral and written evidence, and also considered 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 welcomed the discussions that had taken place between the Licence Holder, Greater Manchester Police and the Licensing Authority and noted that a number of agreed conditions had resulted from these discussions.

The Panel noted that, having regard to the statutory guidance, any conditions must be appropriate and proportionate.

The Panel considered all available options and was satisfied that additional conditions would be sufficient to promote the licensing objectives in this matter. The conditions to be attached to the premises licence shall be the agreed conditions reached between the parties.

The Panel was of the view that having regard to the circumstances and the issues encountered with the previous management of the premises, the removal of the DPS and steps taken by the licence holder was a proportionate response to the incidents on and prior to 6 July 2021.

The additional conditions agreed would be added to Annex 3 of the premises licence.

Whilst not a specific condition, closer monitoring of the premises was a common thread through the conditions imposed – the Panel expected that there would be much closer monitoring and liaison between the licence holder and authorities in the appointment of the DPS and management of the premises going forward.

#### Interim steps

Following the review under s53C, the licensing authority had, pursuant to s53D, reviewed the interim steps in place and had considered whether it was appropriate for the promotion of the licensing objectives for the steps to remain in place, or if it should be modified or withdrawn. Having regard to the promotion of the licensing objectives the Panel considered that the interim steps should be modified. The interim steps shall be replaced by the conditions identified above which shall remain in force until the period for appeal has elapsed or the outcome of any appeal, whichever is the later.

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

#### **RESOLVED**

- (i) That the agreed additional conditions (as detailed above) be added to Annex 3 of the premises licence;**
- (ii) That the interim step in place (i.e. suspension of the licence), be replaced by the conditions identified, which shall remain in force until the period for appeal has elapsed or the outcome of any appeal, whichever is the later; and**
- (iii) That there be close monitoring and liaison between the licence holder and authorities in the appointment of the DPS and management of the premises going forward.**

**CHAIR**