

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 10 September 2020

Present: Councillor T Holt (in the Chair)
Councillors G Keeley and I Schofield

Also in attendance: Mr D Butterworth – Witness
Councillor R Caserta – Pilkington Park Ward
Mr M Caveney – Council Solicitor
Mr A Horne – Solicitor representing Licence Holder
Mr M Norbury - Witness
Mr & Mrs Postlethwaite – Applicant
Wendy Richardson - Resident

Public Attendance: The Meeting was streamed live on the Council website.

Apologies for Absence:

LHP.1 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LHP.2 AN APPLICATION FROM AN INTERESTED PARTY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE GOATS GATE INN, RADCLIFFE NEW ROAD, WHITEFIELD, M45 7QZ

Prior to the Hearing the Authority received an Application to review a Premises Licence pursuant to section 51 of the Licensing Act 2003 from an Interested Party for a in respect of Goats Gate Inn, Radcliffe New Road, Whitefield, M45 7QZ.

The Application was as detailed in the report which was presented to the Members of the Panel by the Licensing Unit Manager, which explained that a Premises Licence is held by Joseph Holt Ltd, The Brewery, Empire Street, Manchester, M3 1JD. Ms Valerie Watt is the Designated Premises Supervisor (DPS).

The applicant, Mr Postlethwaite presented the Panel with evidence relating to 28 separate incidents that had occurred at the licenced premises since November 2017 including urinating in public, drug taking, fighting and general rowdiness. Video evidence of anti-social behaviour was also submitted and shown at the meeting. Mr Postlethwaite explained that the family had moved into their current home in 2014 and had not experienced any issues with the premises until 2017.

The applicant explained that he had attempted to resolve the issues by making contact with the DPS, the Pubs Director and the Chief Executive of Joseph Holt Ltd but had felt that his concerns were not being listened to and not being taken seriously.

Those present were invited to ask questions of the applicant.

Mr Horne, Solicitor representing Joseph Holt Ltd stated that this was the first time that Joseph Holt Ltd had had a review of any of their 127 licences since the law changed in 2005 and as such may have caught them off guard.

Mr Horne explained that Joseph Holt had submitted a draft operating schedule containing 21 conditions that they would be happy to have attached to the licence.

Mr Horne called Mr Darrell Butterworth as a witness and explained that he had been employed as an independent consultant to carry out anonymous visits to the premises.

Mr Butterworth reported that he had visited on 3 occasions and on each occasion there had been no incidences of drug taking or public urination. Mr Butterworth had stayed at the premises as they were closing for the evening and had had seen nothing to raise concerns in relation to ASB as the patrons dispersed.

Mr Horne called Mr Norbury, Pubs Director at Joseph Holt Ltd as a witness.

Mr Norbury explained that he was keen to work with Mr & Mrs Postlethwaite to ensure that the complaints and issues they had raised had been recorded and that actions would be carried out and had been carried out to address the issues raised. Mr Norbury apologised to Mr & Mrs Postlethwaite if they had felt that he was not taking their complaints seriously.

Those present were given the opportunity to ask questions of Mr Horne and the witnesses.

Councillor Caserta, Ward Councillor for Pilkington Park addressed the Panel. Councillor Caserta explained that he had visited the premises on a number of occasions and was familiar with it as it was also used as a polling station during elections. Councillor Caserta explained that he had contacted the Police in the area and had been informed that they had no concerns with the premises. There had been an incident on 4 July when the Covid 19 lockdown had been eased and the pub had reopened, Councillor Caserta had been informed that this was something that had happened across the country on that evening.

Those present were given the opportunity to ask questions of Councillor Caserta.

Both parties summed up.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in June 2014

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

Members of the Panel retired to make their decision.

Fact Finding:

The application had been in relation to incidents that had happened mainly prior to the local lockdown from March to July 2020.

GM Police had been informed of the request for a review and had not wanted to submit any information in relation to the premises.

The licence holder had submitted a suggested operating schedule which contained 21 conditions.

The Pubs Director at Joseph Holt Ltd apologised for the way in which the complaints had been handled in the past and had set up a dedicated telephone line to the premises should there be any future issues.

The Panel recognise the intentions of the Joseph Holt Ltd to work with local residents should any issues arise and promote that this continues.

Delegated decision:

The evidence was considered with care and following the evidence of all parties, having understood the application and equally understanding the representations made, the Panel therefore unanimously decided it reasonable, balanced, appropriate and proportionate, based on all of the evidence and in accordance with its duties, that in order to promote the licensing objectives set out in the Licensing Act 2003, in particular the prevention of public nuisance, that the 21 conditions put forward by the respondents would be attached to the licence and read:

Conditions

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly head and shoulders recognition. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale / supply of alcohol occurs. Cameras shall also encompass external areas of the

premises including the area off Dales Lane. The Premises Licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format on to DVD for officers of Responsible Authorities. Equipment must be maintained in good working order and be correctly time and date stamped. Any hard drive system used must be capable of retaining images for a minimum of 31 days on a roll-over basis.

2. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a Police Officer or an Authorised Officer of the Licensing Authority.
3. The provision of door staff shall be such as is determined by a risk assessment by management each day, and if required will be at the ratio of 1:100. When live-streaming football matches at least 1 SIA door staff shall be appointed for the period between 30 minutes before the scheduled kick off and 30 minutes after the conclusion of the live match.
4. Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises.
5. The premises operates a zero tolerance Drugs Policy (please see attached). Anyone believed to be taking drugs will be asked to leave the premises and will be barred from entering the premises in the future.
6. An Incident Log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available to GMP or an Authorised Officer of the Licensing Authority upon request.
7. Staff shall monitor the external area of the premises and will carry out a walk round the area every 30 minutes from 21:00 until close.
8. All staff shall be trained in recognising signs of drunkenness, how to refuse service and the premises duty of care. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed.
9. A Refusals Log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, and the name of the member of staff who refused the sale. The log shall be available for inspection by GMP or an Authorised Officer of the Licensing Authority upon request.
10. The door located on Dales Lane will be used as a fire exit only. All external fire exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
11. All firefighting equipment is to be inspected and serviced in line with the appropriate British Standard.

12. All external windows and doors shall be kept closed between 21:00 and close, or at any time when regulated entertainment takes place, except for immediate access and egress of persons.
13. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.
14. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
15. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
16. No bottles, glasses or similar items may be disposed of in outside receptacles between 21:00 and 07:00.
17. Deliveries to the premises must be made between 07:00 and 21:00 only.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave quietly.
19. The Challenge 25 Scheme will be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, or a card bearing the PASS hologram.
20. In addition to any other training, the Premises Licence holder shall ensure that all staff are trained to prevent underage sales, maintain the refusals log, and that they monitor staff to ensure their training is put into practice.
21. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is currently is 0161 249 6989. If there is no answer then a message can be left which will automatically be sent via e-mail to the premises. If this number changes residents will be advised.

COUNCILLOR T HOLT
Chair

(Note: The meeting started at 1.10 pm and ended at 4.15 pm)