

Licensing Committee – 6 March 2020

Summary Review (Interim Steps hearing) – Three Legs of Man, 402 Stretford Road, Manchester

Applicant – GMP – PC Alan Isherwood in attendance

PLH – Punch Taverns Ltd , Neil Dawson (Operations Manager) , Mr Rose- Coulthard (Area Manager in attendance - Represented by Ewen MacGregor TLT Solicitors

The Committee considered the representations made on behalf of GMP and the Premises Licence Holder (PLH) and have taken both the written and oral representations into account.

In reaching its decision the Committee have also considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Guidance issued by the Secretary of state under Section 182 of the Act and the licensing objectives.

Decision:

Remove the Designated Premises Supervisor from the licence with immediate effect.

Reasons:

The Committee was concerned by the evidence from GMP which indicated on the 29th February 2020 that contact had been made with them to say that a male had been observed at the premises in possession of a firearm. The caller then went on to say that the firearm had subsequently been taken outside the premises.

Police Officers attended at the premises and spoke to the DPS, Mr Hall who appeared to have no knowledge of the incident. At the same time a Police officer spoke to customers within the premises and then conducted a search of the bar area where they recovered a quantity of what appeared to be bullets. A male was subsequently arrested and officers later discovered a handgun hidden under a brick on land adjacent to the premises.

The DPS advised, when questioned, that he had observed a male inside the premises in possession of the bullets and firearm and had told him to leave. The male did leave for a few minutes before returning to the premises whereupon he was served a drink by the DPS, who then went upstairs to the living quarters.

The officers requested that Mr Hall close the premises for the rest of the day which he agreed to do.

The Committee was advised that no call had been made by the DPS to the police to alert them of the presence of the firearm and bullets at the premises, which it would have expected. It also noted that the male who he had seen in possession of them was allowed to return to the premises and served with a drink.

The Committee viewed this inaction on the part of the DPS as extremely worrying and raised serious question marks over whether the DPS was capable of upholding the licensing objectives specifically relating to Crime and Disorder and Public Safety.

The Committee agreed with the representations of GMP that in their opinion he was not capable of upholding such objectives and as a consequence felt it appropriate to remove the designated premises supervisor from the licence with immediate effect.

It agreed that if the DPS remained in his position it could place customers and staff in a position of danger and was not confident that the DPS would take the appropriate action required should a similar incident occur in the future.

Committee also noted that a report of crime for possession of a firearm has subsequently been submitted and took this into account when arriving at its decision.

However, the Committee was advised that there had been no other incidents recorded by GMP concerning anti-social behaviour issues at the premises.

It also recognised that the Premises Licence Holder agreed that it was appropriate for the DPS to be removed from the licence pending the full review hearing.

For the purpose of Section 53B(5)(b) of the Licensing Act 2003 immediate notice of this decision was given orally to GMP and the PLH.