STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Licensing Team
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**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I** Jenette Hicks on behalf of the Licensing Authority

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

| **Postal address of premises or, if none, ordnance survey map reference or description**<br><br>The Last Post<br>95-97 Stockport Road<br>Marple | |
|---|---|
| **Post town**<br>STOCKPORT | **Post code (if known)**<br>SK6 6AA |

| **Name of premises licence holder or club holding club premises certificate (if known)**<br><br>Red N Black Ltd (company registration number 12306615) |
|---|

| **Number of premises licence or club premises certificate (if known)**<br><br>**20/01973** |
|---|

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) ☐

2) a responsible authority (please complete (C) below) ✓

3) a member of the club to which this application relates (please complete (A) below) ☐

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev)

**Surname** | **First names**

Please tick ✓ yes

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post town** | **Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

| |
|---|
| Name and address |
| Telephone number (if any) |
| E-mail address (optional) |

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

| |
|---|
| Name and address<br><br>Jenette Hicks<br>On behalf of the Licensing Authority<br>PUBLIC PROTECTION<br>STOCKPORT COUNCIL<br>FRED PERRY HOUSE<br>EDWARD STREET<br>STOCKPORT<br>SK1 3UR |
| Telephone number (if any) |
| E-mail address (optional)<br><br>Jenette.hicks@stockport.gov.uk |

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

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

**Please state the ground(s) for review** (please read guidance note 2)

The grounds for this review are that since the opening of the premises known as "The Last Post" at 95-97 Stockport Rd (Licence held in the name of Red N Black Ltd), the premises has operated in such a way that it does not support the promotion of the 4 licensing objectives.

The designated premises supervisor who is also the sole Director of the limited company that holds the premises licence has failed to respond to advice resulting in the premises operating in a way that is none compliant with licensing requirements and at times none compliant with covid requirements.

In addition to the failure to promote the licensing objectives it is the opinion of the licensing authority that the premises licence holder has committed offences in the way he has chosen to operate the business, for example he has used door staff at the premises who are not registered with the security industry authority (sia) and has not demonstrated compliance with his licence conditions in respect of CCTV requirements. The designated premises supervisor / Director of the company which holds the licence has failed to engage positively with licensing officers.

The Licensing Authority is not aware of when the premises opened but national covid lockdown restrictions prevented the premises from opening prior to 12 April 2021. From the period 12 April -17 May 2021 hospitality venues were only allowed to operate outdoors.

Listed below are the issues that the licensing authority consider relevant to the instigation of this review, the appendices provide background information to demonstrate the efforts and attempts that officers have made to work with Mr Watson to address the concerns that have been brought to his attention

**1.Public nuisance**

1.1 Complaints were first received towards the end of April 2021, the complaints alleged anti-social behaviour and noise associated with the venue and patrons of the venue. As a result of the complaints an advisory email was sent to Mr Watson on 26 April a copy is attached as **Appendix 1** to this review application. No response was received to the email

1.2 Complaints continued to be received early May, regarding music levels, anti-social behaviour and noise from patrons. As a result of the complaints received Mr Watson was contacted by telephone and the discussion was confirmed in an email sent to Mr Watson dated 11 May and attached at **Appendix 2** of this review. No response was received to the email

1.3 Complaints continued to be received during May, on 23 May Mr Watson was emailed with details of further complaints received, attached at **Appendix 4** the complaints included elements of shouting screaming/ swearing and bottle throwing. No response was received to the email

1.4 As a result of the number of complaints received and the absence of co-operation or response from Mr Watson a visit was arranged to the premises on the evening of Friday 28 May. Such was the level of concern regarding

observation's from the visit, despite having detailed discussions with Mr Watson on the evening of 28 May it was felt necessary to document observations in an email sent to Mr Watson on Saturday 29 May attached at **Appendix 5 (***for the purposes of clarity there is a typographical error in the email attached at appendix 5 – the second advisory bullet point towards the end of the email should read chanting and not chatting* **)**. Observations included matters that are considered relevant to public nuisance ie loud, noisy communications from customers and tooting of horns from acquaintances as they passed the bar. To put this in context a total of 9 visits to licensing premises were undertaken on the evening of 28 May, this was the only premises that received any correspondence the following day and was only 1 of 2 premises where formal follow up investigations were required. This was despite all 9 premises visited being targeted visits due to concerns or complaints. No response was received from Mr Watson in respect of the email sent to him on 29 May

1.5 Due to concerns regarding the findings on 28 May 2021 and an absence of any reassurance from Mr Watson to address the concerns, a follow up visit was arranged to the premises for 10pm Friday 4 June. Arrangements were made for the visit to be a joint visit with the police and the police were requested to activate bodycam recording. A copy of that bodycam recording is attached at **Appendix 6** and reflects observations of the visit. It is requested that the bodycam footage be played at the sub committee hearing as part of the evidence in support of this application for a premises licence review. Prior to meeting the police shortly before 10pm observations were made in the gardens of 2 residential properties on Hollins Green Rd. The observations were carried out between approximately 9 and 9.40pm. In both gardens you could hear shouting and laughing, the sound of this exceeded traffic noise but it was the interrupted, intermittent and pitch of the shouting and laughter that caused it to be so intrusive. From the topography of the buildings on Stockport Rd and officer observations at the Last Post, officers are confident that the noise witnessed arose from the Last Post.

**2. Public safety**

2.1 Complaints regarding covid compliance were received in April 2021 these were brought to Mr Watsons attention in an email sent to him on 26 April (**Appendix 1**). An officer from the Councils pandemic response team confirmed in an email (29 April) that he had visited the Last post on 28 April and discussed covid requirements with Mr Watson

2.2 On Sunday the 9 May, an email complaint was received alleging *Underage drinking (as witnessed by a schoolteacher who identified his pupils),Fighting and general anti social behaviour, Shouting/swearing up and down Stockport road, No social distancing, Gangs of youths hanging around the outside of the pub, Gangs of youths leaving the pub and causing problems for other establishments, Pub leavers jumping on parked cars as witnessed by residents, Pub leavers hurling abuse at drivers, Bottles being thrown (which witnessed as I drove past).* On Monday 10 May an email was received from the police licensing officer PC Jamie Ellision informing council officers of the outcome of the weekends Operation Kingfisher police visits to licensed premises. The email confirmed that out of 17 premises visited by the police over the weekend only 2 were found to be none compliant. The Last Post being 1 of the none compliant premises with the police comments as follows "*social-distancing wasn't being maintained, people were standing, it was over-*

*crowded and some of the tables were very close together. People were freely moving around, without any masks being worn".* As a result of the police observations and the complaint Mr Watson was contacted by phone on the 11 May and the conversation confirmed in an email sent to Mr Watson attached at **Appendix 2.** On 12 May a colleague from the councils pandemic response team copied an email sent to Mr Watson regarding covid compliance to a licensing officer a copy attached at **Appendix 7**

2.3 On Tuesday 11 May an email was received from a local councillor detailing a complaint that had been sent to her on 10 May, the content of the complainants email is as follows

*I am writing to raise my concerns regarding a new bar that has recently opened on Stockport Road in Marple - Big Matts.*

*I live very close to the bar on Highfield Road, where I have lived for many years. I would also to highlight that I fully support the new hospitality businesses opening in Marple. I often visit the bars and restaurants and think the changes over the last few years in the number of bars / places to eat out have had a positive impact on the community.*

*The new bar on Stockport Road has not started off well. With events at the end of last Friday evening (7th May) unfortunately resulting in the inevitable. These events included large groups of drunken teens attempting to vandalise the bus stop / bins etc, jumping on people's cars and behaving in a riot like manner. Several of my neighbours were extremely scared by this behaviour. All the "rioters" looked underage and had been drinking excessively in Matts bar.*

*Building up to this event I had noticed that Covid rules have not been adhered to and groups of individuals drinking in the outside tent looked underage. There is also now a large Tv screen outside on the pavement which is showing sport.*

*I have no knowledge on licensing laws or indeed the planning permission required to open such a business but I cannot imagine that the way this business is operating is aligned to the council decision to allow it to open. I appreciate that the proprietor has invested in the business and I want him to succeed, but if something it not done to re-align the way he is operating it is only going to get worse. Potentially impacting the other businesses, causing distress to local residents or worse, resulting in violence.*

*Can you please let me know if the council is aware of such concerns and if so if any action is being taken / planned.*

2.4 The email sent to Mr Watson dated 11 May (**Appendix 2**) and reminder emails sent 21 May and 26 May (**Appendix 3**) requested 2 periods of CCTV footage for 10-11pm on 7 and 8 May in respect of both inside and outside cameras, the purpose of the request had been to aim to validate/ dismiss the complaints received. The complaints related to items relevant to public safety and public nuisance and the premises licence contained a condition which states "*CCTV fitted inside and outside. Images retained for 1 month".* Mr Watson did not

reply to the email nor did he provide the CCTV as requested.

2.5 On 14 May the Councils Licensing team was sent an email with the following allegations regarding the Last Post *A resident has raised concerns that at present virtually no mask wearing is being carried out in the premises and no signing in is taking place along with a disregard to social distancing rules. This is 3pm and before an expected busy evening and weekend.* Whilst the Licensing Authority cannot prove or disprove the allegation it is an allegation which potentially could impact on public safety.

2.6 At 9.40am on 15 May a further email complaint was received in respect of complaint allegations relating to the previous evening ie Friday 14 May the allegations were as follows
*No social distancing on any level*

*No signing in and out, people freely coming and going*

*No sitting as per Government guidelines*

*Underage drinking taking place (in the view of the resident who can clearly see people in the premises)*

*Persistent shouting/screaming/swearing and aggression being demonstrated by people coming in and out of the premises throughout the evening and into the early hours*

*Bottle throwing including bottles being smashed on Stockport Road*

*Vehicles constantly arriving at the premises at speed, engines 'revving' and driving away but returning at speed minutes later, this was throughout the hours of darkness*

The complaint was of concern having regard to the content of the allegations so soon after detailed covid advice had been provided by the Councils Pandemic Response Team (ie only 2 days prior to the above allegations in respect of the evening of Friday 14 May)

2.7 Paragraph 1.4 above details public nuisance related concerns in respect of Licensing officers visit to the premises on 28 May. The visit also highlighted concerns deemed relevant to public safety. The premises was very busy and social distancing requirements were not maintained on the outside terrace. In addition despite Mr Watsons offer to show officers CCTV footage no footage could be viewed in respect of the dates and times requested on several separate occasions (ie for 10-11pm on 7 and 8 May). The absence of suitable CCTV means that any allegations/ investigations relating to public safety matters may be hampered by the lack of CCTV, this is of a particular concern having regard to the allegations of drug dealing which Mr Watson had been made aware of in the emails he had received from the Licensing Authority. During the visit to the premises on 4 June Mr Watson was once again unable to show officers any CCTV footage for the dates 7 or 8 May, other dates were available. Mr Watson was advised that the footage could be provided by email

to officers on Monday 7 June, no footage was provided

2.8 Paragraph 1.5 outlines public nuisance concerns from the visit to the Last Post on 4 June, that visit also gave concerns in respect of public safety. A male confirmed that he was working in the capacity of doorstaff. He was not displaying his SIA registration ID badge but assured officers he was registered with the SIA. Mr Watson later confirmed that he had asked the staff member if he was SIA registered but had not required to see his registration badge, he had taken the staff member at his word. It is a legal requirement that all doorstaff are SIA registered. Investigations with the police and SIA subsequently confirmed that the individual was not SIA registered but was known to the police. The failure to ensure doorstaff are SIA registered has the potential for public safety to be compromised.

2.9 Having regard to the finding at paragraph 2.8 the licensing authority has concerns that Mr Watson will adopt a similar approach to customer age verification ie failure to carry out thorough age verification identification, it is noted that a number of the complaints received make comment and /or allegations regarding underage customers drinking alcohol at the premises

2.10 Once again on 4 June adequate social distancing was not being maintained at the premises, some of the tables had been marked with black and yellow gaffer tape but customers were seen seated at such a table on our arrival at the premises

2.11 On 11 June 2021 the Council served a directions notice upon Mr Watson/ The Last post. The notice was served under covid legislation. In order for such a notice to be served three legal conditions have to be met including one of which is "*that giving the direction responds to a serious and imminent threat to public health,.* It is the Licensing Authorities opinion that the existence of a serious and imminent risk to public health undermined the licensing objective of public safety. It is acknowledged that the Direction Notice was subsequently lifted on the 2 July due to additional safety measures agreed with Mr Watson

**3. Prevention of Crime and Disorder**

It is considered that in general terms the police are the lead authority in respect to matters of crime and disorder, however the licensing authority acknowledge, a number of the complaints received allege anti-social type behaviour associated with the premises. Licensing officer observations at the premises during visits on 28 May and 4 June were that Mr Watson does not exert effective management control regarding the conduct of his customers who appear to be young, excitable, noisy and rowdy. The additional legal requirements in place at the time of the visits ie 28 May and 4 June in respect of covid controls did not facilitate/ allow such conduct.

**4. Protection of children from harm,**

During visits to the premises on both 28 May and 4 June licensing officers made no attempt to check age verification of customers, officers did not consider that they had any legal authorisation to do so and were not prepared to make an informal request for such checks based on the hostile atmosphere towards council and police officers, the hostility was from customers, and to a lesser extent from Mr Watsons father. However the licensing authority is aware that a number of the complaints refer to alleged underage customers, and had officers received copies of the CCTV as requested it may have been possible to make more considered observations from viewing CCTV in a safer environment. The absence of the CCTV (as required by the licence condition) reduces the protection offered not

only to children but to all customers and staff. Complaints from local residents makes reference to young children being awoken from their sleep due to the noise from the venue.

**General**

At the time of the initial preparation of this review application (end of June 2021) there had been a recent reduction in the level of complaints received and improvement in compliance ( as evidenced by the GMP operation kingfisher reports ) The Licensing Authority consider this improvement has arisen due to the directions notice served on Mr Watson on 11 June. Following the service of the directions notice operation kingfisher visits noted a significant drop in customer numbers at The Last Post. The Direction notice was served on Mr Watson as a result of serious concerns regarding the spread of covid. There was a legal responsibility on the council to review the directions notice on a weekly basis. The Licensing Authority was made aware of written letters of support for the Last Post submitted to the Council on 11 June. It was noted that two of the letters of support were dated early May before the visits of 28 May and 4 June. The letter of support from a neighboring business is noted but licensing officers observations from 28 May and 4 June do not concur with the information provided from the neighbouring premises.

Mr Watson has been dismissive of complaints from local residents and was not compliant with requests for CCTV, despite being asked on at least 5 occasions for the CCTV footage for 7 and 8 May. Prior to the lifting of the Directions notice Mr Watson via his solicitor responded positively to a request for CCTV footage and whilst this is welcomed, there is no indication that this is a fundamental shift in management approach/responsibility.

Over a period of several weeks ie from 26 April to 4 June licensing officers made many attempts to engage with Mr Watson, and despite the advice given no significant improvements in compliance was seen.

The police bodycam footage of the visit undertaken on 4 June provides an overview of the operation of the premises, this visit was undertaken after many attempts to support and advise Mr Watson as to the measures he needed to put in place to ensure that his premises operated in a way that promoted the 4 licensing objectives and was compliant with covid requirements.

During the compilation of this review and associated appendices, the Licensing Authority has received regular informal noise recordings from a local resident. The recordings are taken in the residents garden and replicate the intrusive, intermittent shouting, screeching and swearing that licensing officers witnessed in residents properties on the evening of 4 June. The recordings have been provided to Mr

Watson and his solicitor. The most recent recording was taken on the evening of Saturday 10 July

**Please provide as much information as possible to support the application** (please read guidance note 3)

Email correspondence sent to Mr Watson are attached as appendices as is the bodycam footage of the evening visit 4 June.

For reference purposes a copy of the current premises licence including conditions attached to the grant of the licence is attached at **Appendix 8**

**Appendices**

Appendix 1 Email sent to Mr Watson dated 26 April

Appendix 2 Email sent to Mr Watson dated 11 May

Appendix 3 Emails sent to Mr Watson dated 21 and 26 May

Appendix 4 Email sent to Mr Watson dated 23 May

Appendix 5 Email sent to Mr Watson dated 29 May

Appendix 6 Bodycam footage from visit 4 June

Appendix 7 Email sent to Mr Watson and copied to J Hicks from Adam Forbes

Appendix 8 Copy of the premises licence

**Please tick ✓ yes**

Have you made an application for review relating to the premises before ☐

If yes please state the date of that application

| Day | | Month | | Year | | | |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

**If you have made representations before relating to the premises please state what they were and when you made them**

**Please tick ✓ yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Jenette Hicks 

……

Date 13 July 2021

……

Capacity Licensing Authority Responsible Authority

| | |
|---|---|
| **Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6) | |
| **Post town** | **Post Code** |
| **Telephone number (if any)** | |
| **If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** | |

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this

application.