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SPEAKERS PANEL (LIQUOR LICENSING)


Day: Thursday
Date: 4 August 2016
Time: 10.00 am (Panel Briefing at 9.30 am)
Place: Lesser Hall 2 - Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Panel.	
2.	REVIEW OF A PREMISES LICENCE - WELCOME STORE, 13 LODGE LANE, DUKINFIELD, SK16 5HY Report of the Assistant Executive Director (Environmental Services) attached.	1 - 44

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Linda Walker on 0161 342 2798 or by emailing linda.walker@tameside.gov.uk, to whom any apologies for absence should be notified.

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Agenda Item 2

Report To:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	4 August 2016
Executive Member / Reporting Officer:	Ian Saxon – Assistant Executive Director Environmental Services
Subject:	APPLICATION FOR A REVIEW OF A PREMISES LICENCE – WELCOME STORE, 13 LODGE LANE, DUKINFIELD.
Report Summary:	Members are requested to determine the application.
Recommendations:	<p>Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are:</p> <ul style="list-style-type: none">a) Modify the conditions of the licence;b) Exclude a licensable activity from the scope of the licence;c) Remove the designated premises supervisor;d) Suspend the licence for a period not exceeding 3 months;e) Revoke the licence.
Links to Community Strategy:	The licensing of premises under the Licensing Act 2003 contributes towards the Community Strategy theme of providing a safe environment.
Policy Implications:	Members are provided with policy guidelines to assist in the decision making process.
Financial Implications: (Authorised by the Borough Treasurer)	There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a panel decision may potentially incur costs.
Legal Implications:(Authorised by the Borough Solicitor)	Any decision to revoke a licence or impose amendments or conditions to a licence can be challenged by way of appeal (in the first instance) to the local Magistrates Court.
Risk Management:	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety, and also the right of an individual to earn a living
Access to Information	The author of the report is John Gregory – Licensing Manager Environmental Services (Public Protection):-  Telephone - 0161 342 3520

1. INTRODUCTION

- 1.1 Section 51(1) of the Licensing Act 2003 outlines the procedure whereby a responsible authority may apply to the Licensing Authority for a review of a premises licence.
- 1.2 Section 52(3) of the Licensing Act 2003 states that the Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 1.3 The steps mentioned in subsection (4) are:
 - (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding 3 months;
 - (e) to revoke the licence.

2. REPORT

- 2.1 At approximately 15:55 on 24 May 2016 a compliance visit was carried out at the premises by officers from Tameside MBC Licensing.
- 2.2 A full inspection of the premises was carried out and a number of licensing breaches were discovered which in the opinion of the relevant officers, seriously undermine the licensing objectives of:

Preventing crime & disorder;
Public safety; and
The protection of children from harm.

As the premise was in breach all of the licence conditions, the Premises Licence Holder was advised to cease selling alcohol, as the premises was trading other than in accordance with its premises licence.

The Premises Licence Holder was given advice on how to rectify the issues discovered at the store.

A follow-up visit was conducted on Thursday 26 May 2016 at approximately 14:25 hrs in company with an officer from Tameside Council Trading Standards.

A full inspection was carried out and it was evident that the Premises Licence Holder had not rectified the majority of the licence condition breaches. In addition, the officer from Tameside Council Trading Standards found a seized a large quantity of illicit and illegal alcohol.

- 2.3 Following the inspection, the Regulatory Compliance Officer acting in his capacity as a responsible authority, applied for a review of the premises licence under section 51 of the Licensing Act 2003.
- 2.4 The application for review was submitted on Friday 3 June 2016 and advertised on the same day. In line with legislation, responsible authorities were given 28 days until 1 July 2016 to submit representations in relation to the application.

3. REPRESENTATIONS & EVIDENCE SUBMITTED

- 3.1 In addition to the evidence from the Licensing Department, a representation has been received from Tameside MBC Trading Standards.

In addition, a statement made by another Regulatory Compliance Officer is also included. This statement outlines events prior to the current Premises Licence Holder's ownership of the premises which was previously held by his wife.

3.2 Tameside MBC Trading Standards

The Trading Standards Officer for Tameside Council will give evidence that he checked the stock of alcohol at the premise and found a number of items which he believed to be illicit and illegal alcohol products.

4. CONCLUSION AND OPTIONS FOR THE PANEL

- 4.1 Panel are requested to consider the evidence and decide what (if any) steps to take as it considers appropriate for the promotion of the licensing objectives. The options available to the Panel are;
- a) Take no action;
 - b) to modify the conditions of the licence;
 - c) to exclude a licensable activity from the scope of the licence;
 - d) to remove the designated premises supervisor;
 - e) to suspend the licence for a period not exceeding 3 months;
 - f) to revoke the licence.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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