

**Report To:** **SPEAKERS PANEL (LIQUOR LICENSING)**

**Date:** 20 August 2018

**Reporting Officer:** Emma Varnam – Assistant Director Operations & Neighbourhoods

**Subject:** **APPLICATION FOR A PREMISES LICENCE – OFF LICENCE, 57-59 ARMADALE ROAD, DUKINFIELD, SK16 4BD**

**Report Summary:** Members are requested to determine the application.

**Recommendations:** 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:-

- (a) to grant the licence subject to –
  - (i) such conditions that the authority considers appropriate for the promotion of the licensing objectives, and
  - (ii) current mandatory conditions;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application.

**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 Section 151 Officer)** There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.

**Legal Implications: (Authorised by the Borough Solicitor)** Any decision to refuse 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.

**Access to Information** The author of the report is John Gregory – Regulatory Services Manager:-



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## 1. INTRODUCTION

- 1.1 Section 17 of the Licensing Act 2003 outlines the procedure whereby an application can be made to the Licensing Authority for a premises licence.
- 1.2 Section 18(3) of the Licensing Act 2003 states that where relevant representations are made in respect of such an application, the authority must:-
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
  - (b) having regard to the representations, take such steps as 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 grant the licence subject to –
    - (i) such conditions that the authority considers appropriate for the promotion of the licensing objectives, and
    - (ii) current mandatory conditions;
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the premises supervisor;
  - (d) to reject the application.

## 2. REPORT

- 2.1 On 23 March 2017 the Licensing Office received an application from Mr Mohammed Hayder Miah for a premises licence for 57-59 Armadale Road, Dukinfield, SK16 4BD. The application received one representation from GMP. The application went before the Licensing Panel on 16 May 2017 and was subsequently refused on the grounds of the applicant being unable to promote the Licensing Objectives. The decision letter from this hearing can be seen at **Appendix 1**.
- 2.2 On 6 July 2018 the Licensing Office received for a second time an application for 57-59 Armadale Road, Dukinfield, on this occasion in the name of Miah's Mini Market Limited. A copy of this application can be seen at **Appendix 2**. The Company was incorporated on 27 June 2018. The only Director is Mr Mohammed Hayder Miah, who is also the Designated Premises Supervisor proposed in the application.
- 2.3 Mr Mohammed Hayder Miah currently operates a business at 53 Armadale Road, Dukinfield. Mr Miah is seeking to close these premises and move the business to larger premises at 57-59 Armadale Road, Dukinfield. A copy of the Premises Licence relating to 53 Armadale Road, Dukinfield (PL0642) can be seen at **Appendix 3**.

## 3. REPRESENTATIONS & EVIDENCE SUBMITTED

- 3.1 A representation has been received from PC Mark Casey on behalf of Greater Manchester Police. His representation can be seen at **Appendix 4**.
- 3.2 Brad Byrne has made a representation on behalf of TMBC Licensing, his statement can be seen at **Appendix 5**.
- 3.3 Carl Jones from TMBC Trading Standards has made a representation. This can be seen at **Appendix 6**.

#### **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) to grant the licence subject to –

- (i) such conditions that the authority considers appropriate for the promotion of the licensing objectives, and
- (ii) current mandatory conditions;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application.