



<b>Report to:</b>	<b>SPEAKERS PANEL (LIQUOR LICENSING)</b>
<b>Date:</b>	6 December 2022
<b>Reporting Officer:</b>	Emma Varnam – Assistant Director ,Operations & Neighbourhoods
<b>Subject:</b>	<b>APPLICATION FOR A REVIEW OF A PREMISES LICENCE – PL210038 – SAVE MORE CONVENIENCE STORE, 75-77 MARKET STREET, DROYLSDEN, M34 6DD</b>
<b>Report Summary:</b>	Members are requested to determine the application
<b>Recommendations:</b>	<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"> <li>a) Modify the conditions of the licence</li> <li>b) Exclude a licensable activity from the scope of the licence</li> <li>c) Remove the designated premises supervisor</li> <li>d) Suspend the licence for a period not exceeding 3 months</li> <li>e) Revoke the licence</li> </ul>
<b>Corporate Plan:</b>	Living Well – Improve satisfaction with local community
<b>Policy Implications:</b>	Members are provided with policy guidelines to assist in the decision making process.
<b>Financial Implications:</b> (Authorised by the statutory Section 151 Officer & Chief Finance 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.
<b>Legal Implications:</b> (Authorised by the Borough Solicitor)	Any decision to revoke/suspend 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.
<b>Risk Management:</b>	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.
<b>Access to Information:</b>	The author of the report is Mike Robinson, Regulatory Services Manager (Licensing)
<b>Background Information:</b>	The background papers relating to this report can be inspected by contacting Mike Robinson
	 Telephone: 0161 342 4122  e-mail: <a href="mailto:mike.robinson@tameside.gov.uk">mike.robinson@tameside.gov.uk</a>

## 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 Save More Convenience Store, 75-77 Market Street, Droylsden, M34 6DD has been a licensed premises since 18 December 2020. Mr Ibrahim Abdi has been the premises licence holder since 9 September 2022. A copy of the premises licence is attached at **Appendix 1**.
- 2.2 A site plan, including an up to date photograph of the premises is attached at **Appendix 2**.
- 2.3 On 20 October 2022, the Licensing Authority received a review application for Save More Convenience Store, 75-77 Market Street, Droylsden from Licensing Officer, Rebecca Birch, on behalf of the Licensing Authority. This application is attached at **Appendix 3**.
- 2.4 The background pertaining to this review application is set out below.
- 2.5 On 7 September 2022, Officers from the Council were working in the area as part of a day of action, focused on waste enforcement. Officers noticed a large accumulation of waste behind Save More. Nearby there was a vehicle parked up which smelt of cannabis and was found to contain a quantity of illicit tobacco and cannabis. The vehicle was subsequently seized by Greater Manchester Police.
- 2.6 In order to investigate this further, Trading Standards Officers, in the company of Police Officers visited the premises in order to view CCTV that was covering the area where the vehicle was parked. Mr Ibrahim Abdi, who identified himself as the business owner was unable to provide CCTV footage as he informed Officers that he did not know where the CCTV hard drive was located.
- 2.7 During the time of this visit on 7 September 2022, Lauren O'Toole, Regulatory Compliance Officer and Mike Robinson, Regulatory Services Manager (Licensing) attended the premises to carry out a compliance check. It was established that the Premises Licence Holder and Designated Premises Supervisor (DPS) stated on the licence were no longer associated with the business.
- 2.8 In addition to this, seven conditions on the licence were not being complied with. Mr Abdi was advised that offences may be committed if alcohol was sold whilst in breach of the conditions and before submitting an application to transfer the licence and vary the DPS. Mr Abdi was given advice regarding how to rectify these issues.

- 2.9 On 9 September 2022, the Licensing Authority received a Transfer Application and Vary of DPS application for Save More Convenience Store. This application specified Mr Abdi as the licence holder and Fakheraddin Qazizadeh as the DPS. Mr Abdi was advised that the premises licence conditions were still not being complied with and therefore, if alcohol was to be sold from the premises this would be in breach of the licence. Mr Abdi was further advised given support in relation to rectifying these breaches.
- 2.10 The Licensing Authority conducted a test purchase at the premises on 14 September 2022 following information that the business was selling alcohol. This test purchase was successful and a bottle of wine was purchased.
- 2.11 Following this positive test purchase, a compliance visit was carried out at the premises on 14 September 2022. The premises was not compliant with the following three conditions on the premises licence;
- CCTV – no person on site able to demonstrate system, record/burn footage to a storage device, no CCTV check sheet with weekly checks completed, no CCTV signage
  - List of Authorised Persons – blank copy provided by myself, has not been completed by DPS and staff members
  - Staff Training – no records available
- 2.12 Mr Abdi was advised again to cease the sale of alcohol until all premises licence conditions were complied with.
- 2.13 On 22 September 2022, a further test purchase was conducted where a bottle of Blue WKD was purchased.
- 2.14 Following this positive test purchase, a Licensing Officer conducted a compliance visit on 22 September 2022. During this visit, it was identified that a number of the premises licence conditions were not being complied with. The staff member working at the time of this inspection showed the location of the hard drive for the CCTV system in the ceiling tiles in front of the counter. On this visit, the following conditions were identified as being breached:
- CCTV – not storing footage for 28 days minimum, no person on site able to demonstrate system fully, record/burn footage to a storage device, no CCTV check sheet with weekly checks completed, no CCTV signage
  - Staff Training – no records available
- 2.15 On 26 September 2022, Mr Abdi contacted Ms O'Toole, to advise that he had rectified the breaches. Ms O'Toole arranged a compliance visit later the same day, however the following conditions were not being complied with:
- CCTV –no CCTV check sheet with weekly checks completed
  - Staff Training – no records available
- 2.16 Trading Standards have reported that since June 2021, they have received three complaints regarding this premises, two of these complaints were anonymous. Two of the complaints related to underage sales of illicit tobacco and one was in relation to the sale of illicit tobacco.
- 2.17 On 13 October 2022, the premises was visited as part of an operation to tackle the sale of illicit tobacco. The following illicit and illegal products were seized from the premises:
- 67x ELUX 3500

Items found within a carrier bag in the rear yard:

- 9x Packets of Amber Leaf 50g
- 8x Packets Marlboro Gold
- 12x Packets Richmond
- 2x Packets L&B
- 10x Packets L&M
- 13x Packets NZ Gold

Items found within coat behind the counter:

- 5x Packets Richmond
- 2x Packets L&B

- 2.18 Following this seizure a Licensing Officer carried out a full compliance visit at the premises on 13 October 2022, where the following of conditions were not being complied with:
- CCTV – staff member unable to operate system, could not supply any footage, no CCTV checks being conducted.
  - Refusals book – no entries
  - Authorisations list – member of staff working not listed on sheet
  - Staff training – no records available
- 2.19 During this visit, Mr Abdi informed the Licensing Officer that Fakheraddin Qazizadeh, the Designated Premises Supervisor nominated on 9 September 2022 was not involved in the business in any capacity.
- 2.20 On 17 October 2022, a Late Temporary Event Notice to permit the sale of alcohol from the premises, between 25th – 30th October 2022, was submitted by Mr Abdi. On 20 October the Licensing Authority received an objection to this application from Greater Manchester Police. Following this, a counter notice was served on Mr Abdi to inform his that the application was rejected.
- 2.21 On the 25th October 2022, a test purchase was carried out at the premises in an attempt to purchase a vape from the premise, by a child who was underage. No sale was made.
- 2.22 On 31 October 2022, Mr Abdi submitted a Vary DPS application for the premises, nominating Zanyar Hasan Njad as the new DPS and a compliance visit was carried out which found the premises to be operating in compliance with the conditions.

### **3. REPRESENTATIONS & EVIDENCE SUBMITTED**

#### **TMBC Licensing Authority**

- 3.1 A statement has been received by Lauren O'Toole, Licensing Officer on behalf of the Licensing Authority. This is attached at **Appendix 4**.

#### **Greater Manchester Police**

- 3.2 A statement has been received from Police Licensing Officer, Craig Foley on behalf of Greater Manchester Police, a statement is attached at **Appendix 5**.

#### **Trading Standards**

- 3.3 A statement has been received from Tracy Jones Lacy on behalf of Trading Standards. This is attached at **Appendix 6**.

## **Public Health**

- 3.4 A statement has been received from James Mallion on behalf of Public Health. This is attached at **Appendix 7**.

## **4. HOME OFFICE GUIDANCE**

- 4.1 In determining this review, the Panel must have due regard to the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy 2016-2021 published pursuant to s5 of the Licensing Act 2003.

- 4.2 The current guidance issued by the Home Office under section 182 of the Licensing Act 2003 deals with the Powers of a Licensing Authority on the determination of a review, with particular attention being drawn to sections 12.22, 12.23 and 12.24, where a Licensing Authority considers action under its statutory powers:

12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).

12.23 In making its final determination the steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

## **5. CONCLUSION AND OPTIONS FOR THE PANEL**

- 5.1 The Panel is requested to consider the content of this report and appendices and any oral evidence/submissions put forward at the hearing and to determine this review and to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are set out at the front of the report.