

SPEAKERS PANEL (LIQUOR LICENSING)

6 December 2022

Commenced: 10.25am

Terminated: 1.25pm

Present: Councillors Drennan (Chair), Bowden and Quinn

In Attendance:

Mike Robinson	Regulatory Services Manager, TMBC
Rebecca Birch	Regulatory Compliance Officer, TMBC
Lauren O'Toole	Regulatory Compliance Officer, TMBC
Ashleigh Melia	Solicitor, TMBC
Rifat Iqbal	Senior Solicitor, TMBC
PC Foley	Greater Manchester Police
Tracy Jones-Lacy	Trading Standards Officer
Ibrahim Abdi	Premises Licence Holder
Hussein Faizi	Friend of Premises Licence Holder

10. DECLARATIONS OF INTEREST

Councillor Bowden declared, on the grounds of public interest, that she was acquainted with PC Foley through a mutual family acquaintance. She further declared that this did not prejudice her professional integrity in hearing the Review and reaching a decision with panel members.

11. MINUTES

That the Minutes of the meetings of the Speakers' Panel (Liquor Licensing) held on 25 October 2022 be approved as a correct record.

12. REVIEW OF A PREMISES LICENCE – SAVE MORE CONVENIENCE STORE, 75-77 MARKET STREET, DROYLSDEN. M43 6DD

Mr Robinson, Regulatory Services Manager, presented the report to the Panel and outlined the key legislation and policy guidance under Section 51(1) of the Licensing Act 2003, which set out the procedure for an application to the Licensing Authority for the review of a premises licence.

Mr Robinson identified the steps available to the Panel in determining the application. He informed the Panel of the brief background to the application as set out in the report and summarised the representations received from: Tameside MBC Licensing Authority, Greater Manchester Police, Trading Standards and Public Health in relation to their concerns regarding the following licensing objectives:

1. Prevention of crime and disorder
2. Public safety
3. Protection of children from harm

Mr Robinson informed the Panel that James Mallion from Public Health was unable to attend and that his statement had been submitted.

Rebecca Birch then read out the statement submitted by Lauren O'Toole as Lauren had laryngitis. PC Foley, Greater Manchester Police and Tracey Jones-Lacy, Trading Standards Officer also read from their statements as submitted, in turn and answered questions thereon.

The Premises Licence Holder, then addressed the Panel and made the following submissions:

- In September when the Licensing team and the police and Council came to the shop, they were trying to take a picture of the shop door so he invited them inside the shop and they started searching the shop.
- At this time he did not have experience running this type of business.
- He didn't do the licensing and the licence and the premises, nor did the DPS and he didn't have enough experience.
- After that, licensing came to the shop a few times and because he wasn't running it properly they asked him to stop selling alcohol until he did it properly.
- The Officers left a phone number with a list of the tobacco and cigarettes they found inside the shop and he questioned if they found these products inside the shop.
- He was speaking to Mr Robinson the day before the hearing and didn't want to attend the hearing as he had nothing else to lose because he didn't have enough experience and was just about to close the shop.
- His best friend said he would help him to run the business properly and Mr Robinson advised him to attend the hearing to explain how everything was done legally to which he agreed.

Mr Faizi, friend of the Premises Licence Holder made the following submissions to the Panel:

- They had never been in this situation before and are interested in the situation
- They came to the UK from a different country.
- He didn't know anything about this case until they heard something from Licensing and GMP.
- He was in the shop the day prior to the hearing and Mr Robinson attended looking for the Premises Licence Holder.
- He told Mr Robinson he would speak to him and would attend the hearing because the case should be clear.
- They did not know anything about running this type of business as they came from a different country and didn't know anything about the law.
- The business was going down badly and he was trying to help build up the business because last week the Premises Licence Holder wanted to close the shop.
- He appreciated the Panel taking the time for them and stated this situation was interesting because they have never been in that situation before.
- They are not ready and was thinking this is a simple meeting, nothing else.

The Premises Licence Holder and his friend (Mr Faizi) then answered questions from the Regulatory Services Manager, Greater Manchester Police Officer, Trading Standards Officer and the Panel, following their submissions.

The Panel then heard brief closing submissions on behalf of the, Licensing Authority, Greater Manchester Police, Trading Standards, TMBC and the Premises Licence Holder.

Members of the Panel then retired to carefully consider the written submissions, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

DECISION/REASONS

In determining this matter, the Panel has had due regard to:

- the report to Panel
- the application and representations received
- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy,
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder

- the Guidance issued by the Secretary of State under section 182 of that Act.

The Panel determined the application pursuant to section 52 of the Act having regard to the relevant representations and the requirement to take such steps as it considered appropriate to promote the licensing objectives.

The key points identified by the Panel were as follows:

1. The Premises Licence Holder purchased the business with a joint business partner and he never made the Licensing Authority aware of this.
2. The Premises Licence Holder had never run a business before, having previously worked as a barber.
3. The Premises Licence Holder confirmed he ignored the advice from the Licensing Authority on numerous occasions.
4. The Premises Licence Holder stated there were no members of staff working in the shop who had a personal licence.
5. The Premises Licence Holder was unable to identify the licensing objectives when asked by the Panel members, and how these were implemented.
6. The Premises Licence Holder stated the coat containing illicit tobacco on 13 October 2022 belonged to a member of staff and that he had no control over their behaviour.
7. The Panel noted on recent visits, the premises had passed regular compliance checks.

STEPS TAKEN PURSUANT TO S18(4) LICENSING ACT 2003

On balance, having carefully considered all of the available information and having regard for the premises licence holder's lack of knowledge on the licensing objectives and retailing of age restrict products, the Panel concluded that the licence be suspended for a period of 3 months and that conditions be added or modified on the current licence.

The Panel noted the submissions made by the Premises Licence Holder in relation to members of staff employed at the premises. The Panel reminded him that it was his responsibility to ensure all staff received appropriate training in the sale of alcohol and tobacco related products and adhered to the law during their employment within the premises.

The Panel felt that the Premises Licence Holder had wilful disregard for the law, guidance and support provided to him by the licensing authority in operating the premises since the involvement of the licensing authority and other regulatory departments/bodies. However, the Panel noted the recent steps taken by him and with further guidance and training, the Panel felt confident that the premises could be run in accordance with the licensing objectives.

The conditions to be added/modified were as follows:

Annex 2 (b) (vii) which briefly states all staff to receive 6 month refresher training on the sale of alcohol related products, be permanently modified to include training on age restricted products stocked on the premises for example tobacco related products.

Annex 2 (b) (viii) which states 'at any time where there is no personal licence holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS.'

BE PERMANENTLY MODIFIED TO NOW READ:

'there must be at all times a personal licence holder on the premises when licensable activities take place'

The Panel would like to thank those attending the hearing for their contribution and assisting the Panel in reaching its decision.

RESOLVED

That the licence be suspended for a period of 3 months and that conditions be added or modified on the current licence as follows:

- **Annex 2 (b) (vii) which briefly states all staff to receive 6 month refresher training on the sale of alcohol related products, be PERMANENTLY MODIFIED to include training on age restricted products stocked on the premises for example tobacco related products.**
- **Annex 2 (b) (viii) which states 'at any time where there is no personal licence holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS.'**

BE PERMANENTLY MODIFIED TO NOW READ:

'there must be at all times a personal licence holder on the premises when licensable activities take place'

CHAIR