

PRIVATE AND CONFIDENTIAL

██████████
Premises Licence Holder
Save More Convenience Store
75-77 Market Street
Droylsden
M43 6DD

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Date 12 December 2022

TAMESIDE MBC

Speakers Panel (Liquor Licensing)

Councillors ██████████ (Chair), ██████████ ██████████
6 December 2022

DECISION NOTICE

Review of a Premises Licence – Licensing Act 2003

Premises: Save More Convenience Store, 75-77 Market Street, Droylsden. M43 6DD

The hearing was heard in person, in public, at Tameside One, Ashton-under-Lyne

The hearing commenced at 10:25am and concluded at 1:25pm (including decision time).

In attendance:

Tameside MBC (general):

- Carolyn Eaton, Principal Democratic Services Officer, Tameside MBC
- Ashleigh Melia, Solicitor, Tameside MBC
- Rifat Iqbal, Senior Solicitor, Tameside MBC
- Mike Robinson, Regulatory Services Manager, Tameside MBC
- Rebecca Birch, Regulatory Compliance Officer
- Lauren O'Toole, Regulatory Compliance Officer

License Holder:

- ██████████ – Premises Licence Holder, Save More Convenience Store
- ██████████ – Friend of ██████████

INTRODUCTION

The key legislation/policy guidance is as follows:

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.

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.

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.

The Licensing Act 2003 (hearings) Regulations 2003 and the Guidance issued pursuant to s182 of the Licensing Act 2003 set out the procedure for the hearing.

Mr Mike Robinson, Regulatory Services Manager, Tameside MBC

Mr Robinson presented the report to the Panel and identified the steps available to the Panel in determining the application.

Mr Robinson informed the Panel of the brief background to the application as set out in the report and summarised the representations received from:

- Trading Standards, Tameside MBC
- Licensing, Tameside MBC
- Greater Manchester Police
- Public Health

Save More Convenience Store, 75-77 Market Street, Droylsden, M34 6DD had been a licensed premises since 18 December 2020. [REDACTED] had been the premises licence holder since 9 September 2022.

Mr Robinson informed the Panel that 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 Convenient Store. 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.

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 [REDACTED], 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.

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.

In addition to this, seven conditions on the licence were not being complied with. Mr [REDACTED] 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 [REDACTED] was given advice regarding how to rectify these issues.

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 [REDACTED] as the licence holder and [REDACTED] as the DPS. Mr [REDACTED] 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 [REDACTED] was further advised given support in relation to rectifying these breaches.

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.

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.

Mr [REDACTED] was advised again to cease the sale of alcohol until all premises licence conditions were complied with.

On 22 September 2022, a further test purchase was conducted where a bottle of Blue WKD was purchased.

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.

On 26 September 2022, Mr [REDACTED] 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.

Trading Standards reported that since June 2021, they had 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.

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

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.

During this visit, Mr [REDACTED] 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.

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 [REDACTED]. 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 [REDACTED] to inform him that the application was rejected.

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.

On 31 October 2022, Mr [REDACTED] submitted a Vary DPS application for the premises, nominating [REDACTED] as the new DPS and a compliance visit was carried out which found the premises to be operating in compliance with the conditions.

Mr Robinson informed the Panel that representations have been 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 has been submitted.

Ms Eaton, Clerk to the Panel, then asked [REDACTED] to confirm his full name and he confirmed his full name was [REDACTED].

REPRESENTATIONS & EVIDENCE SUBMITTED

Lauren O'Toole, Regulatory Compliance Officer, Tameside MBC

Rebecca Birch read out the statement submitted by Lauren O'Toole as Lauren had laryngitis.

Reading out the statement, Ms Birch informed the Panel:

- Mr Robinson and Ms O'Toole attended the premises on 7 September 2022 and found out that the DPS listed on the licence was no longer associated with the business and that 7 conditions on the licence were not being complied with
- Mr [REDACTED] was advised to remove alcohol from sale at the premises
- Ms O'Toole provided Mr [REDACTED] with the relevant forms for the DPS via email
- Refusals book was provided to Mr [REDACTED] together with Challenge 25 posters and Mr [REDACTED] was advised to contact Lauren when the conditions were being complied with so she could revisit the premises
- Following the visits on 7, 8 and 9 September, Ms O'Toole concluded that the premises were operating and selling alcohol
- A test purchase was undertaken on 14 September 2022 and Ms Birch purchased a bottle of wine from the premises

- An inspection took place on 14 September and Ms O'Toole followed this up again by email
- On 22 September 2022 another test purchase was undertaken and a bottle of blue WKD was purchased
- A further visit was carried out by Ms O'Toole on 22 September and [REDACTED] was advised of how to comply with the licence conditions
- On 26 September, Mr [REDACTED] contacted Ms O'Toole to advise that he was complying with the licence conditions
- Ms O'Toole conducted a visit but the licence conditions were still being breached as there were no staff training or CCTV checks
- Mr [REDACTED] was advised by email of these breaches
- A further visit was carried out on 13 October where illicit tobacco was seized at the premises and it was noted there were no entries on the refusals book
- Mr [REDACTED] was not present on this occasion however Ms O'Toole had spoken with him on the phone and asked if she could return later
- Ms O'Toole returned later that day and noted in relation to CCTV Mr [REDACTED] didn't recall whether or not the CCTV was saved for 28 days and had no understanding of Challenge 25 as he was unable to explain what it meant when asked to do so
- It was also noted there was no staff training list and the DPS was not involved in the business
- On 17 October Mr [REDACTED] submitted a Temporary Event Notice to permit the sale of alcohol between 25-30 October
- On 20 October a review application was submitted on behalf of the Licensing Authority
- On 1 November Ms O'Toole conducted a further visit with PC Foley from Greater Manchester Police
- A large number a visits to the premises found the premises to be non-compliant
- Relevant information and emails were provided to Mr [REDACTED] by the Licensing Authority but were ignored on numerous occasions and therefore the Licensing Authority had lost confidence in Mr [REDACTED] and submitted a review application

The Panel asked Ms O'Toole if any further visits had been carried out that were not mentioned in the report to which Lauren stated a visit had been carried out on 1 November and noted improvements. The Panel also asked Ms O'Toole if there was ever any paraphernalia on sale in the premises to which Lauren stated that shisha pipes had been on sale in the premises, they had been removed after the first visit but there were still some decorative shisha's on display on the second visit which were then removed.

PC Foley, Greater Manchester Police

The following submissions were made by PC Foley:

- PC Foley was made aware of the review application by Ms Birch on behalf of Tameside MBC.
- The review is sought for failing to promote the following licensing objectives:
 - Prevention of crime and disorder
 - Public safety
 - Protection of children from harm.
- PC Foley has concerns over the shop owner and staff being able to run a safe shop to prevent crime and disorder at the premises or within the close proximity of the premises.
- On 13 October 2022 a joint visit was conducted with Tameside Trading Standards in relation to a positive test purchase for illicit tobacco.
- Items were found and by a sniffer dog as they were hidden in the rear yard of the shop amongst some dissembled shelving which was placed at the back door to the shop which is easy to get to for the shop worker. The shop worker was asked if they had any illicit tobacco and they told the officer they didn't.
- The following items were seized in a carrier bag in the rear yard:
 - 9 x Amber leaf 50g

- 8 x Marlboro gold
- 12 x Richmond
- 2 x L&B
- 13 x NZ gold
- The following items were seized from a coat behind the counter:
 - 5 x Richmond
 - 2 x L&B
- 67 x ELUX 3500 were also seized.
- The member of staff working in the shop could not communicate with PC Foley or other members of Tameside Council due to a language barrier
- The member of staff did not have authorisation to sell alcohol and could not operate the CCTV
- On 7 September 2022 Tameside Licensing department made PC Foley aware of a vehicle parked at the rear of the shop. PC Foley attended and illicit tobacco was seized by Trading Standards. PC Foley searched the vehicle and found a quantity of cannabis which was hidden in the vehicle which he then seized.
- Whilst at the rear of the shop Tameside Council staff felt threatened by a number of males who were trying to get to the car
- Although the car cannot be directly attributed to the shop, one of the CCTV cameras inside the shop was pointing at the car at all times
- The cannabis was destroyed in line with GMP policy of disposing of drugs.
- The seizure of the car and drugs has prevented any crime taking place at the rear of the shop.
- PC Foley was of the view the car was being used to deal drugs from which is a major concern given the proximity to the town centre and the busy night time economy.
- On the two occasions PC Foley has visited the shop, illegal activities had been taking place.
- PC Foley had no confidence that the running of the shop could be conducted safely and adhere to the licensing objectives of preventing crime and disorder.
- Staff members were unable to communicate due to a language barrier, were unable to view or download CCTV and had no knowledge of the licensing conditions which could cause further breaches.
- PC Foley attended the shop on 20 October 2022 and the same member of staff was working alone in the shop. PC Foley felt that if the staff member was in trouble and needed any emergency service he would be unable to call and ask for the help he needed.

In response questions from Mr Robinson's, PC Foley stated:

- He was involved in both the removal of the vehicle and the shop visit.
- Mr █████ was unable to explain why the CCTV was directed at that particular car when he was asked this during the shop visit.
- Mr █████ was unable to operate the CCTV when asked to access the footage and replay it.

Mr █████ then stated:

- He invited them both PC Foley and the Trading Standards Officer into the shop and stated he had no idea who the vehicle belonged to
- PC Foley said there was a camera on top of the building pointing at the vehicle
- As already mentioned he moved to the shop a couple of weeks prior and didn't know who the vehicle belonged to
- The vehicle was there a long time so he could ask the neighbours as he has no idea who the vehicle belonged to

In response to this, PC Foley stated that he could not attribute the vehicle to Mr █████, the vehicle was on the area but that he was not saying it had come from Mr █████ shop. The enquiries made revealed the keeper of the car was in Yorkshire who sold the car on. All PC Foley could say was the vehicle was there and the camera was pointing at the vehicle and appreciated it may have been put there before Mr █████ started in the shop.

Tracy Jones-Lacy, Trading Standards Officer, Tameside MBC

The following submissions were made by Ms Jones-Lacy:

- The premise had a history of non-compliance resulting in the revocation of the licence granted on the premises.
- The operation of the premises in recent years had consistently undermined the licensing objectives, namely:
 - The protection of children from harm
 - The prevention of crime and disorder
 - Public safety.
- The Local Authority had received information relating to the premise since June 2021 and to date there have been three complaints; two relating to underage sales of illicit tobacco and one in relation to the sale of illicit tobacco.
- Due to the pattern of non-compliance with Trading Standards legislation, Trading Standards has lost faith in the ability of the management of the premises to promote the licensing objectives and therefore recommend the premises licence be revoked.
- On 7 September 2022 Ms Jones-Lacy received a phone call from a colleague who was at the rear of the premises and had found a vehicle which contained illicit tobacco.
- Trading Standards Officers visited the site and found the vehicle unlocked.
- Accompanied by PC Foley, Ms Jones-Lacy searched the vehicle and found a quantity of cannabis and a locked till, both of which were seized by PC Foley, and the following tobacco products:
 - 44 x L&B original
 - 29 x Richmond
 - 16 x B&H Switch
 - 38 x L&M first cut
 - 9 x Compliments Blue Slim
 - 5 x L&B Silver
 - 2 x Baham Filter
 - 22 x Amber Leaf 50g standard packaging
 - 16 x Amber Leaf 50g non-standard packaging
- Genuine cost of these items are £1573 for the cigarettes and £1140 for the hand rolling tobacco.
- These items brought to the hearing and were in the corner of the room.
- The vehicle was seized by GMP and towed away.
- During the visit, PC Foley and Ms Jones-Lacy were spoken to by a male who exited the rear of Save More Off Licence who is now known to be Mr Abdi.
- Mr █████ claimed to be the owner of the shop and during the visit a full inspection of the premises was conducted.
- During the visit, the following issues were identified:
 - Tobacco displays were not covered
 - No Tobacco Notice was displayed
 - No price list was displayed
 - Premise Licence was not displayed
 - No refusals book
 - Elux 3500 on sale which must not be sold and a warning letter was provided
- The Licensing Department were notified of the concerns and Officers from the Licensing Department attended the site
- During the visit it was found that a CCTV camera was focused on the vehicle which contained the tobacco and a photograph was taken to highlight the field of view which is contained in the report and was reviewed during the hearing.
- On 13 October 2022 Trading Standards carried out a site visit with Wagtails detection dogs and GMP.
- During the visit, the dog found a carrier bag containing 9 x Amber Leaf 50g, 8 x Marlboro Gold, 12 x Richmond, 2 x L&B, 10 x L&M, 13 x NZ Gold.

- The genuine cost of these items are £495 for the cigarettes and £270 for the hand rolling tobacco.
- In the coat behind the counter a further 5 x Richmond and 2 x L&B were found and a further 67 ELUX 3500 were seized.
- On 25 October 2022, a 15 year old test purchaser was asked to attend to purchase a vape from the premises however no sale was made.

In response to questions from Mr Robinson, Ms Jones-Lacy stated:

- Whilst inspecting the vehicle with GMP, they carried out a search in the neighbouring vicinity of the vehicle which is when Mr █████ came out and discussed their powers to enter the rear of the premises and stated they did not have powers to search however they did in fact have the powers and a notice of powers was served on Mr █████.
- All retailers have previously been sent a letter regarding the sale of vapes on premises and all retailers who were not sent a letter are having them hand delivered at the time of site visits.
- A letter was delivered to Mr █████ on 7 September 2022 regarding sale of vapes and on the Wagtails day the vapes were found and seized.

Ibrahim Abdi, Premises Licence Holder

Mr Robinson explained to Mr █████ that this was his opportunity to explain to the Panel what had happened and to put his case across, explaining anything he's learned to the Panel.

Mr █████ 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 stop.
- 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 Mr █████ questioned if they found these products inside the shop.
- Mr █████ 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 Mr █████ to attend the hearing to explain how everything is done legally to which Mr █████ agreed.

Mr Faizi 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 Mr █████
- He told Mr Robinson he would speak to Mr █████ 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 Mr █████ build up the business because last week he 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.

Mr Robinson asked the Trading Standards Officer to explain the location of the tobacco that was seized in relation to the premises as there is a photograph at page 79 of the report. Ms Jones-Lacy stated that she wanted to put context into the location of where the tobacco was seized because Mr [REDACTED] stated the tobacco wasn't in his shop. Ms Jones-Lacy had done a list of brands from the car, from the rear yard immediately out the rear door and packets in the coat behind the counter.

The Chair asked Ms Jones-Lacy to clarify the dates on which the tobacco was seized. Ms Jones-Lacy confirmed on 7 September 2022 the vehicle tobacco was seized, on 13 October 2022 the Wagtails dog detected the tobacco in the yard and coat which was seized. Ms Jones-Lacy went through the list of tobacco products that were seized and referred to page 77 of the report.

Mr Robinson asked, in relation to the rear yard, how close to the rear entrance of the premises was the tobacco found, to which Ms Jones-Lacy replied that if your feet were still inside the kitchen area of the shop and the door was open, you could grab the tobacco from that point.

Mr Robinson explained to Mr [REDACTED] that he wanted to clarify where the tobacco was as he was disputing where the tobacco was found in the shop and Trading Standards confirmed it was found in the rear yard and there was some illicit tobacco found in the coat behind the counter. Mr Robinson asked Mr [REDACTED] to explain why there were 7 packets of tobacco in the coat behind the counter to which Mr [REDACTED] said he had no idea as he wasn't inside the shop.

Mr [REDACTED] questioned whether if someone does something wrong, would they do it again, and if he did something wrong he would leave it as it would make things dangerous for him. He also stated the back door is shared with the upstairs flat, with neighbours and the pizza shop, with only one door for a few flats and 2-3 shops.

PC Foley clarified it's the yard that was shared and the back gate going into the yard was shared and the yard was shared.

Mr Robinson asked Mr [REDACTED] to forget the vehicle and yard and asked why the same branded cigarettes that were found in the vehicle and yard were found in a coat in the shop behind the counter. Mr [REDACTED] stated that two members of staff smoke and that it was not his business to tell them where to put their products and not his job to tell them.

Mr Robinson questioned whether Mr [REDACTED] was telling him these were his staff's cigarettes. Mr [REDACTED] stated he's seen the list in the shop and that two staff members smoke and it was not his job to tell them where to put their cigarettes. Mr Robinson asked him if he understood how this must look to Trading Standards and how, if reports of the shop selling illicit tobacco which was then found in the vehicle, yard and shop, how this looked suspicious. Mr [REDACTED] stated the tobacco belonged to his staff.

Mr Robinson mentioned CCTV and Mr [REDACTED] stated he didn't know about CCTV as when he took over the business he knew nothing about the business and bought it from one of his friends who told him to just run it. Mr Robinson stated that if he bought a business he would want to know how to operate the CCTV, the screen in the shop showed CCTV but Mr [REDACTED] didn't know how to work it and when they looked for the CCTV hard drive, Mr [REDACTED] didn't know where it was however on 22 September it was found in the ceiling. Mr [REDACTED] stated he didn't show Mr Robinson the CCTV because he didn't know.

Mr Robinson questioned why Mr [REDACTED] didn't act on the advice provided on 9 September 2022 and that if he had acted on this advice, he wouldn't be in this situation. Mr [REDACTED] stated he had a business partner who didn't do anything, that he had to do everything on his own and he decided to ignore the advice and letters because he didn't know what would happen.

Mr Robinson stated that recent visits show that conditions are being adhered to and whether Mr [REDACTED] is currently the DPS. Mr [REDACTED] confirmed he is still the DPS, he runs the shop as a manager and visits every day after the shop has closed, checks the camera and counts the money. Mr Robinson asked

Mr [REDACTED] if he understood what a personal licence holder was to which he confirmed he did and he had applied for one and was waiting and that no other members of staff had a personal licence.

In response to questions from Ms Birch, Mr [REDACTED] stated:

- He never works at the premises.
- Submitted a Temporary Event Notice on 17 October 2022 because he didn't want to wait to sell alcohol and wanted to get the temporary licence until he could get a DPS for the shop.
- Instead of working on adhering to the conditions, his business partner didn't do anything, he couldn't do things on his own so he ignored advice.
- Mr [REDACTED] doesn't work at the premises as a staff member he just manages the shop
- He has no idea when Mr [REDACTED] goes but he does go during the day sometimes as well.

In response to questions from Ms Jones-Lacy, Mr [REDACTED] stated:

- The business was Save More Manchester Limited when he purchased the business.
- When he left the shop on 7 September, the business partner went to buy more vapes to sell in the shop.
- The tobacco found in the yard didn't belong to the shop and the yard belonged to the pizza shop and flats above.
- He could not say the products found in the yard belongs to the shop because it wasn't inside the shop.
- He was told by another shop not to use the back door as it is an emergency door.

In response to questions from the Panel, Mr [REDACTED] stated:

- The business partner moved on from the business when he brought [REDACTED] to the business.
- Save More is no longer a limited company.
- The name of the company is [REDACTED]
- The current DPS is the sole director of [REDACTED] which is active and looking to be struck off and Mr [REDACTED] has set up Save More Manchester Limited because he had asked the DPS to close his account many times and he isn't using the company anymore which is why Mr [REDACTED] set up a new company.
- CCTV is up and running now.
- He was previously a barber and had never had a shop before and never understood Trading Standards.
- He decided to run a shop because he needed a different job due to problems with his back.
- He didn't think to read up on running a licensed premises as he had a business partner who ignored everything and so he ignored everything too.
- He had no idea what the licensing objectives are and that he knows how to operate the CCTV and have a refusals book.
- The full name of the previous business partner is [REDACTED]
- He knows what Challenge 25 is.
- When the child was refused a vape, this was recorded in the refusals book.
- When he brought the shop, he bought the stock as well which included the vapes and 20 boxes of expired things.
- He now checks all stock.
- Things have changed; his old business partner didn't want to work there and he now knows who he is sending to the shop and who works there.
- The CCTV is fully working and there is a staff training folder.
- There is a refusals register and challenge 25 posters.
- He feels confident about running the business now Mr [REDACTED] is there as they grew up together.

Closing Submissions

The Panel heard brief closing submissions.

On behalf of the Licensing Authority, Mr Robinson:

- Summarised the steps which could be taken by the Panel which are detailed on the front of the report.
- Acknowledged that Mr [REDACTED] does seem to have taken some steps to rectify the issues and have found that the premises is now compliant.
- If the Panel were satisfied the premises is in safe hands, they could decide to suspend the licence for a short period.
- If the Panel were minded to modify the conditions, it would be appropriate that a condition be applied that would require a personal licence holder to be on the premises at all time.

On behalf of the Licensing Authority, Ms Birch:

- Stated there have been issues and visits have shown that the licence conditions were not being complied with and Mr [REDACTED] had continued to ignore advice.
- The premises had served alcohol when advised not to.
- The Licensing Authority felt the only option was to review the licence because of the continuing issues.

On behalf of Greater Manchester Police, PC Foley:

- Reiterated what Mr Robinson said.
- Stated he felt a personal licence holder did need to be on site as the one person who had been present when he had visited struggles with English.

On behalf of Trading Standards, Ms Jones-Lacy:

- Reiterated the issues that were raised in her representations.
- Stated the business had disregard for all regulatory compliance; waste, trading standards and licensing and that this should be taken into account.

Mr [REDACTED] stated:

- He had already explained he had a business partner and they both ignored things.
- He's now on his own and is trying to do his best to do everything properly.
- He followed the rules and he wanted to build the business.
- He was trying to build the business to bring customers back to the shop.

Mr [REDACTED] stated:

- He wants to help Mr [REDACTED] and he will get a personal licence.
- He doesn't need to work at the shop but he wants to help Mr [REDACTED].

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. Mr [REDACTED] purchased the business with a joint business partner and he never made the Licensing Authority aware of this.
2. Mr [REDACTED] had never run a business before, having previously worked as a barber.
3. Mr [REDACTED] confirmed he ignored the advice from the Licensing Authority on numerous occasions.
4. Mr [REDACTED] stated there were no members of staff working in the shop who had a personal licence.
5. Mr [REDACTED] was unable to identify the licensing objectives when asked by the Panel members, and how these were implemented.
6. Mr [REDACTED] 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 regularly compliance checks.

STEPS TAKEN PURSUANT TO S18(4) LICENSING ACT 2003

The Panel considered all available options.

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 Mr [REDACTED] 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 Mr [REDACTED] in relation to members of staff employed at the premises. The Panel reminded Mr [REDACTED] 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 Mr [REDACTED] 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 Mr [REDACTED] 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.

Right of Appeal

Any party has 21 days to make an appeal against today's decision. Any appeal must be made to the Magistrates' Court within 21 days of the Licensing Authority providing a written decision notice.

Yours faithfully,

CEaton

Carolyn Eaton
Principal Democratic Services Officer and
Clerk to the Speakers' Panel (Liquor Licensing)

cc **Mike Robinson**
 Rebecca Birch
 Lauren O'Toole
 PC Foley
 Tracy Jones-Lacy
 James Mallion