

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

Date: 13 August 2020

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

Subject: **APPLICATION FOR A REVIEW OF A PREMISES LICENCE – MULTISAVER, 105 CHAPEL STREET, DUKINFIELD, SK16 4QJ**

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) 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

Corporate Plan: Living Well – Improve satisfaction with local community

Policy Implications: Members are provided with policy guidelines to assist in the decision making process.

Financial Implications: 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.
(Authorised by the statutory Section 151 Officer & Chief Finance Officer)

Legal Implications: 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.
(Authorised by the Borough Solicitor)

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 Sharon Smith – Head of Public Protection

Background Information: The background papers relating to this report can be inspected by contacting Mike Robinson

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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, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In addition, the Licensing Authority expects that where a licence/permission allows the sale of alcohol, activities are carried out with a view to promoting the protection and improvement of public health.
- 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. INTRODUCTION

- 2.1 Multisaver, 105 Chapel Street, Dukinfield was first granted a Premise Licence under the Licensing Act 2003 on 5 August 2005. A copy of this Premise Licence is attached at **Appendix 1**.
- 2.2 The Premise Licence was transferred to Mr Hamza Ali on 1 June 2016.
- 2.3 On 19 April 2020 Greater Manchester Police received a call from a resident of Chapel Street, Dukinfield, that two members of staff from Multisaver had attended their address carrying an intimidating firearm and weapons where they proceeded to cause criminal damage at the property and make threats, following an incident that had occurred at the Multisaver store earlier that day.
- 2.4 Greater Manchester Police have provided footage which shows the altercation at the store, the males arriving at the property in question and causing the damage and finally returning to the store with the weapons. In addition, the 999 call made is available to be heard.

3. REPRESENTATIONS & EVIDENCE SUBMITTED

- 3.1 Representations have been received by Greater Manchester Police, TMBC Licensing and members of the public.
- 3.2 **Greater Manchester Police:**
A statement provided by PC Martin Thorley in relation to the incident along with photographic exhibits is attached at **Appendix 2**.
- 3.3 PC Stephen Richards who was the officer in attendance is present to support representation made by Greater Manchester Police.
- 3.4 **TMBC Licensing:**
Regulatory Compliance Officer Brad Byrne has submitted representation on behalf of the Licensing Authority and is attached at **Appendix 3**.

3.5 **Members of the public:**

A number of letters of support for Mr Hamza's business have been received. These are attached at **Appendix 4**.

4. HOME OFFICE GUIDANCE/TAMESIDE MBC POLICY

4.1 In determining this matter the Panel must have due regard to the Guidance issued by the Home Office under s182 Licensing Act 2003 and the Council's Statement of Licensing Policy published in accordance with s5 of the Licensing Act 2003.

5. CONCLUSION AND OPTIONS FOR THE PANEL

5.1 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 set out at the front of the report.