

## **SPEAKERS PANEL (LIQUOR LICENSING)**

**13 August 2020**

**Commenced:2.00pm**

**Terminated: 5.10pm**

**Present:** Councillors Sweeton (Chair), Bowden and Quinn

**In Attendance:**

<b>Mike Robinson</b>	<b>Regulatory Services Manager</b>
<b>Brad Byrne</b>	<b>Regulatory Compliance Officer</b>
<b>David Joy</b>	<b>Legal Representative TMBC</b>
<b>PC Thorley</b>	<b>Greater Manchester Police</b>
<b>PC Richards</b>	<b>Greater Manchester Police</b>
<b>Mr Ali</b>	<b>Premises Licence Holder</b>
<b>Mr Alyas</b>	<b>Counsel for Licence Holder</b>

### **5. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE – MULTISAVER, 105 CHAPEL STREET, DUKINFIELD, SK16 4QJ**

Consideration was given to an application for a review of a premises licence for Multisaver, 105 Chapel Street, Dukinfield, SK16 4QJ.

The Regulatory Services Manager explained that Multisaver, 105 Chapel Street, Dukinfield was first granted a Premise Licence under the Licensing Act 2003 on 5 August 2005. The Premises Licence was transferred to Mr Hamza Ali on 1 June 2016.

Greater Manchester Police had applied, pursuant to s51 of the Licensing Act 2003, for a review of the premises licence following an incident on 19 April 2020.

An application was made by P C Thorley on behalf of Greater Manchester Police to exclude the public and press from the hearing. The grounds of the application were that the criminal investigation was still pending including forensic analysis. Mr Alyas, on behalf of the Licence Holder, did not object to the application. The Panel retired to consider the application.

After due deliberation the Panel returned and informed the hearing of the Panel's decision to proceed with the hearing in private noting the grounds of the application and having applied the public interest test (Sch 12A LGA 1972/Reg 14 of the Licensing Hearing Regs). To proceed in public would be prejudicial to both the Police investigation and the interests of the Licence Holder. The hearing continued in private (the Chair noting that the hearing would return to being in public at the announcement of decision stage).

Mr Robinson then presented the report to the Panel and identified the steps available to the Panel in determining the review (s52 (4) Licensing Act 2003). Mr Robinson informed the Panel of the brief background to the review as set out in the report and summarised the representations received. Mr Robinson confirmed that there was no record of previous complaints or enforcement action against the premises.

Regulatory Compliance Officer, Brad Byrne, also submitted a representation on behalf of the Licensing Authority.

PC Thorley then presented the case for Greater Manchester Police. Statements detailing the incident were presented by PC Martin Thorley and PC Stephen Richards along with photographic exhibits. CCTV footage of the incident was also presented. As previously stated, the criminal investigation was ongoing with no charges yet laid

Mr Alyas, Counsel, then made representations on behalf of the Licence Holder, Mr Ali. Mr Ali also explained the incident and his involvement.

The Panel was also made aware of numerous letters provided in support of the Licence Holder (as circulated with the agenda, prior the hearing). These detailed the community value of the shop and the service provided by the licence holder to his customers.

All parties were afforded the opportunity to ask questions in relation to the representations made.

All parties were invited to provide a brief statement in summary.

Members of the Panel then retired to carefully consider the written report, 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.

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

- 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 noted that in determining the review it must, having regard to the application and any relevant representations, take such steps as identified in s52(4) of the Licensing Act 2003 as it considers appropriate for the promotion of the licensing objectives. It was not the Panel's responsibility to determine any person's innocence or guilt in relation any charges that may be progressed by the Crown Prosecution Service but to consider the impact of the incident on the promotion of the licensing objectives.

The Panel noted the numerous emails in support of the shop, its community value and the level of service provided. The Panel also noted that the incident at the house in retaliation to the earlier incident at the premises on 19 April 2020 appeared to be an isolated incident in so far as the licence holder's conduct was concerned.

The Panel noted/concluded that:

- the Panel's decision was not related to whether the shop itself could continue trading or not. The premises licence only related to the sale of alcohol for consumption off the premises. It did not directly impact on the shop continuing to trade for all other purposes.
- the incident on 19 April 2020 was very serious in nature. The licence holder was directly involved in the incident.
- in relation to the incident at the house the licence holder and his member of staff took the law into their own hands whereas they should have reported the 12.05 incident to the Police and allowed the Police to investigate and take appropriate steps. The 12.05 incident at the shop was only reported later at 2.30pm ie after the incident at the house.
- the Police had no record of any other incidents at the shop
- whilst the incident was at the customer's house it was directly related to the management of the licensed premises. The prevention of crime and disorder objective was aimed at protecting the public and local residents from crime and anti-social behaviour.

- there was an element of pre-meditation and intent in the incident at the house.

The Panel considered all available options.

Having regard to the factors identified above, the Panel considered that the imposition of conditions would not be sufficient to promote the licensing objectives, in particular the prevention of crime and disorder. The Panel had no confidence in the licence holder's ability to promote the prevention of crime and disorder licensing objective.

Accordingly, the Panel concluded that the step that it considered appropriate to promote the licensing objectives was the revocation of the premises licence.

**RESOLVED**

**That the licence be revoked.**