

Report to:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	11 January 2021
Reporting Officer:	Emma Varnam – Assistant Director, Operations & Neighbourhoods
Subject:	APPLICATION FOR A REVIEW OF A PREMISES LICENCE – JITS SUPER SHOP, 21 MARKET STREET, STALYBRIDGE, SK15 2AL
Report Summary:	Members are requested to determine the application
Recommendations:	<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"> 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: (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.
Legal Implications: (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.
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 Mike Robinson, Regulatory Services Manager (Licensing)
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.
- 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 Jits Super Shop, 21 Market Street, Stalybridge, SK15 2AL was first granted a Premises Licence under the Licensing Act 2003 on 8 September 2006. A copy of this Premises Licence is attached at **Appendix 1**.
- 2.2 Mr. Jeitan Panchani has been the Premises Licence Holder and Designated Premises Supervisor of the Jits Super Shop, 21 Market Street, Stalybridge, SK15 2AL since September 2013.
- 2.3 On 23 November 2020, the Licensing Department received an application from TMBC Trading Standards acting in their capacity as a Responsible Authority under the Licensing Act 2003, to review the premises licence for Jits Super Shop, 21 Market Street, Stalybridge, SK15 2AL. A copy of the Premises Licence Review Application is attached at **Appendix 2**.
- 2.4 Since 2018 the Council have received complaints relating to underage sales of cigarettes and alcohol to school children from this premises.
- 2.5 On 3 June 2020, PC Antony Lawton of Greater Manchester Police observed 4 youths vacate the vicinity of Jits Super Shop while on patrol of Market Street, Stalybridge. After stopping the youths, it appeared they had a plastic bag containing alcohol. After a further discussion with the youths, they admitted purchasing alcohol from Jits Super Shop. PC Antony Lawton then entered the premises to discuss this with the shop assistant, return the alcohol and for the children to be refunded. Following this, PC Lawton informed TMBC Trading Standards.
- 2.6 On 19 October 2020, a Tameside Council CCTV operative observed an underage youth enter the premises and leave the premises with single cigarettes. The Council CCTV operative made TMBC Trading Standards aware of the incident and provided a copy of the CCTV footage.

3. REPRESENTATIONS & EVIDENCE SUBMITTED

- 3.1 Representations have been received by TMBC Trading Standards, TMBC Licensing Authority, TMBC Population Health, Greater Manchester Police and members of the public.

TMBC Trading Standards

- 3.2 A supporting statement relating to the application provided by Nicola Briers of TMBC Trading Standards. A copy of this is attached at **Appendix 3**.

Greater Manchester Police

- 3.3 A statement has been provided by PC Martin Thorley in relation to his involvement with the premises. A copy of this is attached at **Appendix 4**.
- 3.4 A statement has been provided by PC Antony Lawton in relation to his involvement with the premises. A copy of this is attached at **Appendix 5**.

TMBC Licensing Authority

- 3.5 Regulatory Compliance Officer James Horton has submitted representation on behalf of the Licensing Authority and this is attached at **Appendix 6**.

TMBC Population Health

- 3.6 A representation received from James Mallion on behalf of TMBC Population Health. A copy of this is attached at **Appendix 7**.

Members of the public

- 3.7 The Assistant Vice-Principal of Behaviour and Welfare at Copley Academy has submitted a representation. A copy of this is attached at **Appendix 8**.
- 3.8 The Assistant Headteacher at West Hill School has submitted a representation. A copy of this is attached at **Appendix 9**.
- 3.9 A representation has been received from a member of the public. A copy of this is attached at **Appendix 10**.

4. CCTV

- 4.1 Tameside MBC operated CCTV still images relating to an incident on 3 June 2020. A copy of this is attached at **Exhibit JH1**.
- 4.2 Tameside MBC operated CCTV relating to an incident on 19 October 2020.
- 4.3 CCTV obtained from the premises relating to an incident on 19 October 2020.

5. HOME OFFICE GUIDANCE

- 5.1 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 section 11.19, where a Licensing Authority considers action under its statutory powers:

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*

- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

6. CONCLUSION AND OPTIONS FOR THE PANEL

- 6.1 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.