

SPEAKERS PANEL (LIQUOR LICENSING)

22 November 2021

Commenced: 10.08am

Terminated: 2.08pm

Present:	Councillors Lewis (Chair), Bowden and Quinn	
In Attendance:	Mike Robinson	Regulatory Services Manager, TMBC
	Gemma Lee	Regulatory Compliance Officer, TMBC
	Rifat Iqbal	Legal Representative, TMBC
	Ashleigh Melia	Legal Services TMBC (observer)
	PC Thorley	Greater Manchester Police
	Tony Dales	Licensing Consultant
	Tasadaq Ahmad	Premises Licence Holder and Designated Premises Supervisor
	Tahira Khan	Owner of the Premises, having submitted representations
	Mohammad Ayoob	The previous Premises Licence Holder, having submitted representations
	Mohammed Mushtaq	Associate of Mr Ayoob, having submitted representations
	Adil Khurshid	A previous Premises Licence Holder – having submitted representations
	Mohammad Ashraf	Legal representative of Mr Ayoob, Mr Mushtaq and Mr Khurshid.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. REVIEW OF PREMISES LICENCE – PREMIER - HURST CROSS CONVENIENCE STORE, 187-193 KINGS ROAD, ASHTON-UNDER-LYNE, OL6 5HD

Pursuant to section 51 (1) Ms Gemma Lee, acting on behalf of the Licensing Authority in the capacity of a Responsible Authority, submitted an application to review the premises licence at Premier-Hurst Cross Convenience Store (the premises) on 14 October 2021 **Appendix 5 of the report**, following a complaint being made raising concerns of a fraudulent application being made to the Licensing Authority to transfer the premises licence from Mr Ayoob to Mr Ahmad on 16 April 2021 **Appendix 4 of the report** and incident taking place at the premises on 25 May 2021 involving threats of violence.

On 22 November 2021 the Speakers Panel (Liquor Licensing) held a hearing to review premises licence.

On the 22 November 2021 a Speakers Panel (Liquor Licensing) of Tameside Metropolitan Borough Council held a hearing to review the premises licence under Section 52 of the Licensing Act 2003. The hearing was attended by and the Panel heard submissions on behalf of the Licensing Authority, Greater Manchester Police, the Premises Licence Holder and a number of interested parties.

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 Robinson presented the report to the Panel.

Mr Robinson stated, following a complaint of fraud being received on 23 May 2021 and thereafter reports of an incidents at the premises on 25 May 2021, a meeting had taken place on 31 August 2021 with all those present at today's hearing (except for Mr Khurshid who was not in attendance) to address the complaint and concerns received. It became apparent there was a business dispute between various individuals leading to an incident taking place at the premises on 25 May 2021 as set out in the main body of the report.

Mr Ayoob disputes that it is his signature on the transfer application submitted to the Licensing Authority on 16 April 2021. Enquiries had been made of the licensing consultant who dealt with the premises licence transfer application in April 2021, Mr Tony Dales of Due Diligence Matters. Mr Dales confirmed he did not see Mr Ayoob sign the application, nor did he have any contact or communication with Mr Ayoob. Mr Dales contact was with Mr Khurshid.

Supplementary evidence was submitted by Mr Mushtaq on 18 November 2021 and thereafter a response was received from Mr Dales on 19 November 2021 refuting the claims made by Mr Mushtaq.

Miss Lee presented the case for the Licensing Authority.

Miss Lee stated it was clear Mr Ayoob's signature on the transfer form differed from the consent form on the authority's file. It would appear the transfer application form had been fraudulently signed. Both Mr Dales and Mr Ahmad confirmed at a meeting held on 31 August 2021, they had not seen Mr Ayoob sign the transfer form.

PC Thorley presented the case for Greater Manchester Police.

PC Thorley stated the premises suffered from on-street drinking, usual anti-social behaviour with under 18s congregating outside the premises. There had been no recent incidents at the premises however, the premises was known to the Police with incidents linked to it.

Full details of the incident committed at the premises on 25 May 2021 were contained within **Appendix 9 of the report.**

PC Thorley when questioned by Mr Robinson in relation to the known identities of any of the individuals involved in the incident on 25 May 2021, stated Mr Tasadaq Ahmad had reported the matter to the Police. Mr Mushtaq had been identified as an alleged offender who visited the premises with four unknown males, where abusive behaviour was used towards staff and customers in the premises. PC Thorley stated the Mr Ahmad had not responded to Police communications sent out as a result of which the crime report had been closed pending contact from the victim, Mr Ahmad. Mr Mushtaq had demanded the key fob from the staff at the premises, which the Police seized from him to prevent any further breach of the peace.

PC Thorley stated a further crime was reported involving a threat to kill reported by Mr Mushtaq who informed the Police he had received a telephone call with the offender stating *'I'm going to put a bullet through your head'*. The victim, Mr Mushtaq, had informed the Police the alleged offender was Mr Khurshid making the threat of violence. Mr Mushtaq had not responded to Police communications and the crime report had been closed pending contact from the victim.

Mohammad Ayoob, Premises Licence holder between 19 March and 28 April 2021 was invited to address the Panel.

There was some concern in relation to Mr Ayoob's understanding of English and ability to promote the licensing objectives, being a Designated Premises Supervisor of another licensed premises. Mr Robinson sought clarification, following which Mr Ayoob read from his statement that he had submitted.

Mr Ayoob maintained he did not sign the transfer form presented to the licensing authority to transfer the premises licence from his name to Mr Tasdaq Ahmad in April 2021.

Mr Robinson asked Mr Ayoob about the alleged fraud complaint made to the Police. Mr Ayoob stated he was still waiting to hear from the Police who have said they would wait for the Council to make their decision.

Mr Dales asked Mr Ayoob about his business arrangement at the premises and why Mr Ayoob had cause to contact the Council regarding a possible transfer of the premises licence. Mr Ayoob stated, he had initially contacted the Council as he had not received a copy of the premises licence in his name which the Council said had been sent out by post. Mr Dales asked whether Mr Ayoob was aware of the request made by Mr Khurshid to transfer the premises licence to Mr Ahmad, Mr Ayoob stated he was not and when asked further stated he would not have consented to the request had he known.

Mr Dales asked Mr Ayoob was he one of the four men that had attended at the premises on 25 May 2021. Mr Ayoob was asked to answer the question following which he confirmed yes he was. Mr Dales sought clarification as to why Mr Ayoob had attended at the premises, to which Mr Ayoob replied because he had been told by Mr Ahmad that he (Mr Ayoob) had no role in the business

Mohammed Mushtaq, business interest in the premises addressed the Panel.

Mr Mushtaq read from his statement that he had submitted setting out his interest in the premises being a business arrangement where he had bought a 50% share from Mr Khurshid.

Mr Mushtaq stated he believed Mr Ahmad had forged Mr Ayoob's signature on the application to transfer the premises licence in April 2021, this has been reported to the Police as an act of fraud. Mr Mushtaq stated he had discovered that Mr Ahmad had cleverly registered a limited company and opened a bank account in the name of the premises.

Both Mr Robinson and PC Thorley questioned Mr Mushtaq about his actions on the 25 May 2021, when Mr Mushtaq attended at the premises with Mr Ayoob and other unknown individuals. Mr Mushtaq denied that he had caused any alarm or distress to anyone at the premises and stated it was not unusual for him to visit. PC Thorley sought clarification on who the unknown males were that attended with Mr Mushtaq on 25 May 2021 and whether they were there as Mr Mushtaq's friend or as protection. Mr Mushtaq stated friend.

Mr Robinson queried the threat of violence report made by Mr Mushtaq to the Police, alleging Mr Khurshid was the offender. Mr Mushtaq denied he said it was Mr Khurshid who had made the threat and stated he had said to the Police it could be anyone as there was an ongoing business dispute and not necessarily to do with the premises licence

Adil Khurshid, Premises Licence holder between 30 June 2016 and 19 March 2021 and Designated Premises Supervisor (DPS) between 4 November 2011 and 10 August 2021 addressed the Panel.

Mr Khurshid read from his statement that he had submitted.

Mr Khurshid when questioned by Mr Robinson, confirmed he had requested the transfer of the premises licence to Mr Ayoob. Mr Khurshid stated he had been DPS of the premises until April 2021 when he asked Mr Dales to transfer the DPS role to Mr Ahmad.

Mr Dales requested clarification from Mr Khurshid as to how long he had used Mr Dales as his licensing consultant, approximately the last five years. Mr Dales sought clarification on the request by Mr Khurshid during a telephone call in April 2021 requesting Mr Dales to transfer the premises licence to Mr Ahmad. Mr Khurshid denied this and stated he requested the DPS role to be transferred to Mr Ahmad and not the premises licence. Mr Dales referred to the supplementary

information submitted to the Council as part of the report pack on 19 November and screenshots of communications with Mr Khurshid. Mr Khurshid denied the discussion related to the transfer of the premises licence to Mr Ahmad.

Tony Dales, Licensing Consultant, Due Diligence Matters addressed the Panel.

Mr Dales on behalf of the Licence holder firstly explained his role as the licensing consultant and steps he would usually take when requested to transfer a licence. Prior to Covid Mr Dales would attend at the premises. Mr Dales stated he had worked for Mr Khurshid on licensing matters for approximately the last 5 years, however was not contacted when Mr Khurshid transferred the licence to Mr Ayoob.

Mr Dales stated both he and Mr Ahmad were alarmed when they came to learn about Mr Ayoob's the signature on the licence transfer application submitted in April 2021 not matching, the signature on the Council's records.

Mr Dales touched upon other procedures available to transfer a premises licence where consent was not forthcoming as are known to the licensing authority. Mr Robinson clarified for the Panel, it was the applicant's responsibility to demonstrate what steps have been taken to obtain the consent of the existing licence holder.

Tasadaq Ahmad, Premises Licence Holder:

Mr Ahmad addressed the Panel and denied the accusations that had been made by Mr Ayoob, Mr Mushtaq and Mr Khurshid, stating it was Mr Khurshid who had assisted Mr Ahmad with the application to transfer the premises licence into his name in April 2021.

Mr Robinson sought clarification from Mr Dales on the due diligence carried out by Mr Dales in dealing with the transfer of the premises licence. Mr Dales stated due to Covid he was no longer meeting with clients in person and due diligence carried out was to inform Mr Khurshid that he required Mr Ayoob's consent to the transfer. Mr Dales stated he did not make any contact with Mr Ayoob and took the application form received by post at face value.

Mr Dales confirmed in response to Mr Robinson there was a clear difference in the signature alleged to be of Mr Ayoob on the transfer application form submitted in April 2021 and signature on the Council's records from previous applications signed by Mr Ayoob.

Mr Mushtaq queried with Mr Dales, his relationship with Mr Khurshid and if it went beyond a business relationship and to that of a close friend. Mr Dales stated he had acted as Mr Khurshid's licensing consultant over the past 5 years and did not find anything unusual in receiving completed paperwork by post due to Covid. Mr Mushtaq queried whether Mr Dales felt obliged to do work for Mr Khurshid and not carry out due diligence. Mr Dales stated prior to Covid he would always attend the premises in question and meet with the licence holder/the applicant in person and deliver training, with numerous due diligence visits carried out.

Councillor Bowden asked Mr Dales had he thought to do anything via Zoom facility. Mr Dales stated he would be now, going forward.

Tahira Khan, Landlord of premises at 187-193 Kings Road, Ashton-under-Lyne:

Mrs Khan addressed the Panel stating she was unaware of any wrongdoing that had taken place. She stated she was unaware Mr Ayoob had not signed the application to transfer the premises licence in April 2021.

Mrs Khan stated she had completed the training to obtain a personal licence and requested for the premises licence to remain with Mr Ahmad or transfer to Mrs Khan and not to revoke the licence as the premises was reliant upon the licence and staff wages and outgoings incurred.

All parties were provided with 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 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.

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 determined the application pursuant to s.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 were as follows:

- on 19 March 2021 an application was received to transfer the premises licence from Mr Adil Khurshid to Mr Mohammed Ayoob
- on 28 April 2021 an application was received to transfer the premises licence from Mr Mohammed Ayoob to Mr Tasadaq Ahmad
- on 23 May 2021 an email complaint was received by the Licensing Authority from Mr Ayoob stating he had not consented to the transfer of the premises licence to Mr Tasadaq Ahmad.
- On 25 May 2021 an incident took place at the premises with threatening language being used together with a threat of violence being made. It is noted the individuals involved were Mr Mushtaq, Mr Ayoob and Mr Khurshid amongst other unknown individuals
- A meeting was arranged by the licensing authority attended by the licence holder and the interested parties, except for Mr Khurshid and took place on 31 August 2021 to address the possibility of a fraudulent application having been submitted to the licensing authority on 28 April 2021.
- It appears that there has been dishonesty in this case around the application: either consent was given for the transfer and some of the witnesses are now being dishonest about that, or consent was not given and the application to transfer was fraudulent.
- An examination of Mr Ayoob's signature on his application made on 19 March 2021 and the application submitted on 28 April 2021 has been confirmed as being different.

It was not for the Panel to make findings in relation to guilt or innocence. However, the Panel could be confident that there had been some dishonesty in the transfer, one way or the other. That may suggest an offence under section 158 of the Licensing Act 2003, because there may have been recklessness as to the correctness of the contents of the application, or there was a false statement.

The Panel could not determine through an examination of the application process whether or not consent was properly given. This failure strikes at the heart of the licensing regime. The Panel must have confidence that applications were genuine, true and accurate. If not, that undermined the confidence the Panel could have in a premises holder's ability to comply with the Licensing Objectives.

The Panel considered all available options.

On balance, having carefully considered all of the available information, the Panel concluded that it was not possible to determine whether this application was genuine.

The Panel had no confidence that the Licensing Objectives would be upheld and determined to revoke the premises licence.

The Panel thanked those attending the hearing for their contribution and assisting the Panel in reaching its decision.

RESOLVED

That the premises licence be revoked.

CHAIR