

**Minutes of:** **LICENSING HEARING PANEL**

**Date of Meeting:** 20 December 2017

**Present:** Councillor D Jones (in the Chair)  
Councillors N Bayley and G Keeley

**Also in attendance:**

**Public Attendance:** Gone Local Ltd represented by Mr Arshad  
(Applicant/Transferee)  
PC J Caulfield  
PC J Watson  
Kelly Halligan (Trading Standards)  
Benjamin Thompson (Environmental Health)  
Robert Hall (Environmental Health)

**Apologies for Absence:**

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**1 DECLARATIONS OF INTEREST**

No declarations of interest were made in relation to any items considered at the meeting.

**2 APPLICATION FOR A TRANSFER OF PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF JASON'S MINI MARKET, 36 ALBION STREET, RADCLIFFE, M26 1BH**

Prior to the Hearing the authority received an application submitted for a transfer of Premises Licence under section 42 of the Licensing Act 2003, in respect of Jason's Mini Market, 36 Albion Street, Radcliffe, M26 1BH.

The application was as detailed in the report which was presented to the Members of the Panel by the Licensing Unit Manager.

Representations in respect of the application were received within the appropriate period from Greater Manchester Police.

All written representations were contained within the written submissions provided in the report to the Panel.

All documentary evidence comprising the application, the report provided with the agenda and representations were served on all parties in advance of the hearing.

The Panel heard oral representations from representatives of Greater Manchester Police and their witnesses from Trading Standards and the Commercial Premises Team at Bury Council.

In addition the Panel watched footage from a 'bodycam' worn by representatives of Greater Manchester Police.

The Panel asked questions of the representatives of Greater Manchester Police and their witnesses. All parties were offered the opportunity to questions those representatives.

The Panel heard oral representation from Mr Arshad, the representative of Gone Local Ltd, the Applicant/transferee.

The Panel asked questions of the Applicant's representative. All parties were offered the opportunity to question the applicant.

All parties were offered the opportunity to sum up their case.

The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in April 2017

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

## **FINDINGS**

The following facts were found:

- The Applicant is a limited company and its sole recorded official and person with control of the company is Mr Rizvan Arshad.
- The Applicant is the owner of 36 Albion Street, Radcliffe, Bury, the licensed premises.
- The Applicant is therefore landlord of the business being run at the said premises.
- The Applicant's representative Mr Arshad used to own the business but sold it to his cousin, who is the husband of the current Premises Licence Holder, in 2013.

- Mr Arshad helps out at the shop from time to time but is not employed there.
- The premises were inspected on multi-agency day of action on 3 August 2017 when it was discovered that the upstairs of the premises was being used as a residence and the electricity meter had been by-passed. The Premises Licence Holder's husband was present at the time.
- Mr Arshad was working at the premises the following day when representatives from Electricity Northwest, Trading Standards and the Commercial Premises Team attended to disconnect the electricity.
- Mr Arshad was very unhelpful and uncooperative, refusing to give his name or accept the paperwork in relation to the prohibition order served to prevent the use of the premises due to the issues with the electricity meter.
- Mr Arshad became intimidatory towards the stated representatives, closing the shutters on the premises windows and on the door leaving the officers present in the dark inside the premises.
- When the Premises Licence Holder's husband arrived at the premises, Mr Arshad instructed him not to accept the paperwork or sign anything.
- The officers felt forced into contacting the police for assistance.
- Mr Arshad was unhelpful and uncooperative towards the police and did not explain his business interests in relationship to the premises to the Police.
- The Applicants representative, Mr Arshad, provided no reasonable explanation for his failure to recognise or assist those in authority, or for his intimidatory behaviour.
- Footage from a 'bodycam' worn by representatives of Greater Manchester Police, showed the behaviour of Mr Arshad and in particular him stating he purely worked at the premises.
- The Applicants representative, Mr Arshad, provided no documentary evidence or other witnesses to support his explanations for his behaviour.

## **DECISION**

Having heard all the oral submissions and having considered all of the documentation before it and the 'bodycam' footage, the Panel considered the merits of the case and in accordance with its duties decided as follows.

The evidence was considered with care and it was established that following the evidence of all parties, having understood the application and equally understanding the representations made, on balance the Panel found there were causes for concern in relation to the Applicant and its representative Mr Arshad being an appropriate body/person to promote the Crime and Disorder Objective of the Licensing Act 2003.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **To Refuse the Application for the Transfer of a Premises Licence** as set out in the report.

**3**

### **APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF JASON'S MINI MARKET, 36 ALBION STREET, RADCLIFFE, M26 1BH**

The Panel noted that although an application to vary was also made by Mr Arshad on behalf of Gone Local Limited, in view of the decision to refuse the Application

for a transfer of the Premises Licence, this could no longer be pursued, as only the Premises Licence Holder is entitled under the Licensing Act 2003 to make such an application. However, for the avoidance of doubt, the Panel decided that it would not in any event have allowed the variation, for the same reasons it had refused the application for transfer, namely that there were causes for concern in relation to the Applicant and its representative Mr Arshad being an appropriate body/person to promote the Crime and Disorder Objective of the Licensing Act 2003.

**COUNCILLOR**  
**Chair**

**(Note: The meeting started at 1.30 pm and ended at 3.20 pm)**