

Minutes of:	LICENSING HEARING PANEL
Date of Meeting:	7 February 2018
Present:	Councillor D Jones (in the Chair) Councillors: N Bayley, S wright
Also in attendance:	Mr Jamal (Applicant) Mr Qadir (Designated Premises Supervisor) and his interpreter PC J Caulfield Kelly Halligan (Trading Standards)
Public Attendance:	No members of the public were present at the meeting.
Apologies for Absence:	

1 DECLARATIONS OF INTEREST

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

2 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF POLKA, 20 PARKHILLS ROAD, BURY, BL9 9AX

Prior to the Hearing the authority received an application submitted for a Premises Licence under section 42 of the Licensing Act 2003, in respect of Polka, 20 Parkhills Road, Bury.

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.

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

The Panel heard oral representation from Mr Jamel, the Applicant and his proposed Designated Premises Supervisor, Mr Qadir

The Panel asked questions of the Applicant. 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:

- On 15th November 2017 a new company, Polka, Ltd was incorporated with Mr. Jamal listed as sole Director and 20 Parkhills Road, Bury listed as the correspondence address.
- A new premises licence application was submitted, within this application Mr Jamal listed Mr Shamal Qadir as designated premises supervisor (DPS).
- Mr Jamal or Mr Qadir have not been present at the premises during visits by the police and trading standards.
- Mr Jamal and Mr Qadir both reside in Bradford.
- Although Mr Jamal maintained he was the owner of the business at 20 Parkhills Road, Bury and had purchased it from Mr. Omid (the previous owner) for £8,000, he produced no evidence in advance of, or at the Panel meeting to confirm that the ownership of the business had transferred to him.
- Mr Jamal provided no documentary evidence or other witnesses to support his statement that he is the owner of the premises, that Mr Omid was no

longer involved in the business or how many staff were employed in the business.

- Mr Jamal had not known Mr Qadir prior to purchasing the business from Mr Omid.
- Mr Qadir, the proposed DPS, had worked for the previous owner of the business Mr Omid.
- Mr Omid had previously applied for the former Premises Licence to be transferred to him and this had been refused. His application had been supported and signed by Mr Qadir as proposed DPS.
- Mr Qadir has no previous experience of acting as a DPS and being responsible for running a business requiring the upholding of the licensing objectives under the Licensing Act 2003.
- Mr Qadir demonstrated no knowledge of the duties and responsibilities of a DPS.
- During questioning by the Panel, Mr Qadir and Mr Jamal were unable to state any of the four licensing objectives.

DECISION

Having heard all the oral submissions and having considered all of the documentation before it, 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's ability to promote the licensing objectives under 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 a Premises Licence** as set out in the report.

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The Panel heard oral representations from representatives of Greater Manchester Police.

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

The Panel heard oral representation from Mr Jamal, the Applicant and his proposed Designated Premises Supervisor, Mr Qadir

The Panel asked questions of the Applicant. 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:

- 5) the prevention of crime and disorder
- 6) public safety
- 7) the prevention of public nuisance
- 8) the protection of children from harm

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

- c) the Council's published Statement of Licensing Policy
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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.

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

COUNCILLOR D JONES
Chair

(Note: The meeting started at 1.00 pm and ended at 2.30 pm)