

<b>REPORT FOR DECISION</b>
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<b>Agenda Item</b>	
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<b>DECISION OF:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>20<sup>th</sup> MARCH 2018</b>
<b>SUBJECT:</b>	<b>OPERATIONAL REPORT</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>M BRIDGE</b>
<b>TYPE OF DECISION:</b>	N/A – Report for information only
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is in the public domain
<b>SUMMARY:</b>	A report to advise members on operational issues within the licensing service.
<b>IMPLICATIONS:</b>	
<b>Wards Affected:</b>	N/A
<b>Scrutiny Interest:</b>	Internal Scrutiny Panel

**1.0 BACKGROUND**

1.1 The report advises Members on operational issues within the licensing service.

**2.0 Licensing Hearing Panels**

2.1 Polka, 20 Parkhills Road, Bury.

The Licensing Service received an application for a new premises licence in respect of Polka, 20 Parkhills Road, Bury. The reason for this application was the premises licence was surrendered under Section 28 of the Licensing Act 2003, on the 21<sup>st</sup> September 2017 by the previous owner.

Section 50(1)(b) permits the reinstatement by transfer where a premises licence lapses by virtue of Section 28.

On the 26<sup>th</sup> September 2017 an application to transfer the premises licence was made by another individual.

A representation to this application was made by Greater Manchester Police and the application was subsequently refused at a Hearing on 31<sup>st</sup> October 2017.

Section 50(6) states that the licence lapses again when the applicant is notified of the rejection of the application. Section 50(7) states that 'only one application for transfer of a premises licence may be made in reliance on this section'.

Greater Manchester Police, in their capacity as a Responsible Authority, made representations to the application for the grant of a new licence. This representation was considered at the Licensing Hearings Panel on the 7<sup>th</sup> February 2018:-

The following facts were found:

- On 15<sup>th</sup> 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.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, to Refuse the Application for a Premises Licence.

### **3.0 Common Minimum Standards Across Greater Manchester**

- 3.1 The Licensing Unit Manager and the Chairman of the Licensing and Safety Panel attended an event at Dukinfield Town Hall on the 8<sup>th</sup> February 2018 where the matter of common minimum standards were discussed. The principle is to explore a more co-ordinated approach to Taxi and PHV licensing. It is proposed that the approach is to develop minimum standards for GM and working to influence national policy. The minimum standards will be looking at policies around drivers, vehicles and operators.

#### 4.0 **Prosecution – Illegal landing of puppies and unlicensed Pet Shop Offences**

- 4.1 At Manchester Magistrates Court on Wednesday (7 March), Viktor Molnar pleaded guilty to offences under the Rabies (Importation of Dogs, Cats and other Mammals) Order 1974 and Sections 10, 73 and 75 of the Animal Health Act 1981, and to an offence under the Pet Animals Act 1951 for using his premises in Prestwich as a pet shop without a licence.

Viktor Molnar, who now lives in Dartford, Kent previously of Belroy Court, Prestwich was given a 270-hour Community Order and disqualified from operating a pet shop or a boarding establishment for ten years. He must also pay compensation of £2,686.93 to a purchaser of a puppy from Scotland to cover her purchase and quarantine costs, and to pay a contribution to prosecution costs of £2,500.

Viktor Molnar was registered with the Royal College of Veterinary Surgeons, which will now be contacted over his fitness to continue as a practising vet.

#### **Contact Details:**

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