

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 26 April 2023

Present: Councillor S Walmsley (in the Chair)
Councillors G Marsden and G McGill

M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
O. Osinuga (Legal Services)

Also in attendance: PC P. Eccleston Greater Manchester Police

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public or press were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B. Thomson, Head of Public Protection at Bury Council and Mr Shah, Premises Licence Holder.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE TOPSHOP, 20 HURST STREET, BURY, BL9 7ER

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licence premises the Topshop, 20 Hurst Street, Bury, BL9 7ER for a Summary Review of the Premises Licence and for interim steps to be taken in advance of that review in accordance with Sections 53A to 53C of the Licensing Act. The reason for the application is because the police believe that the premises are associated with serious crime.

The nature of the application and consideration of options was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Manager, Mr M. Bridge.

The options available were:

- To modify the conditions of the licence
- To exclude the retail sale of alcohol from the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence.

Attention was drawn to background papers which included:-

Current Premises Licence
Section 53A application, Certificate and supporting evidence
Bury Council's Licensing Policy
Guidance issued under Section 182 of the Licensing Act 2003
Licensing Act (Hearings) Regulations 2005

The Chief Superintendent had issued a certificate under section 53A (1)(b) of the Licensing Act 2003 in which he stated the following:-

At 16:00 hours on Thursday the 20th April 2023, officers from Bury Council's Trading Standards and Licensing department attended Topshop, 20 Hurst Street, Bury, in company with Greater Manchester Police and immigration officers. The intention was to search the premises for illicit tobacco and illegal vapes, however during the search, a large quantity of cannabis, already divided in separate snap bags (75 Cannabis and 11 cannabis resin) were discovered in the store room at the rear of the premises.

Two individuals were arrested in the premises on suspicion of an offence of Possession with Intent to Supply, however neither party is the DPS or Premises Licence Holder. During the investigation, it has been established that neither detained persons, were employed by the store and certainly one male had been asked to temporarily watch the store by two Asian males as Police and other agencies arrived on scene.

It was the Chief Superintendent's opinion that an expedited review of the premises license was necessary to allow the Licensing Authority to review/amend the license conditions and prevent a recurrence of such serious crime.

Attached to the agenda at Appendix 1 (Application by Greater Manchester Police for the Summary Review) and Appendix 2 (Certificate issued by the Chief Superintendent) respectively.

Following the serving of the application for the Expedited Review the Premises Licence Holder cancelled the Premises Licence in writing stating that the shop had been sold, however no evidence of the sale was provided. The Hearing must still be held as the Premises Licence can be reinstated by way of transfer within 28 days. Emails cancelling the licence were attached at Appendix 3 of the agenda pack.

The Premises Licence showing the current licensable activities and conditions was attached at Appendix 4.

The Licensing Unit Manager reported that Mr Shah was unable to attend and his son had informed him that Mr Shah would speak to the current business owners of the shop and see if they wanted to continue trading or hand the licence back to Mr Shah who is the Premises Licence Holder.

PC P. Eccleston from Greater Manchester Police provided a summary of the multi agency operation which took place and 2 males who were outside the store had

disappeared leaving one man being asked to supervise the store. Within minutes of a search inside the premises, plastic containers containing drugs had been found. There was no stock in the store room and no alcohol available to buy. Another man came to collect some car keys from the rear store room and after enquiries both men in the store were arrested.

The Sub-Committee then heard information from PC Eccleston about no CCTV and refusals book being located at the store which was required as part of the licencing conditions.

Police enquiries were on going with evidence being collated as part of the investigations.

The Sub-Committee then duly retired to consider the matter and all of the information provided.

The Members of the Sub-Committee 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.

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented at the meeting.

DELEGATED DECISION

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and therefore unanimously **resolved to suspend the licence and remove the Designated Premises Supervisor from the licence** in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean interim steps were necessary.

The evidence presented had demonstrated the following licensing objectives had not been met and failed the:-

- Prevention of crime and disorder
- Public safety;

The reasons by the sub-committee, included:-

- Evidence of serious crime taking place at the premises and not promoting the Licensing Objective of Prevention of Crime and Disorder.
- The Licensing Objective of Public Safety was not being promoted at the premises by the Premises Licence Holder/Designated Premises Supervisor.
- The Premises Licence Holder/Designated Premises Supervisor was breaching conditions of the premises licence in relation to breach of Licensing conditions in relation to the provision of CCTV and the requirement to maintain a refusals book to record incidents/descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. This book must be made available to the police / authorised officers of the Council on request.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 9.30am and ended at 9.55am)