

Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	11 October 2023
Title of report:	APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF CLUB 66, 24 SILVER STREET, BURY
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	East

Executive Summary:

This report relates to an application under section 37 of the Licensing Act 2003, from Club Sixty Six Limited, to vary the Premises Licence held by them, in respect of Club 66, 24 Silver Street, Bury, to specify a change of Designated Premises Supervisor (DPS). The Greater Manchester Police in their capacity as 'A Responsible Authority' have made a representation in respect of the application.

Recommendation(s)

That:

- To grant the application
- To refuse the application

1.0 INTRODUCTION

1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is the relevant legislation.

- 1.2 The Licensing Hearings Sub-Committee will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.
- 1.3 Under the provisions of section 37(5) of the Act, where the chief officer of police notified of an application to specify an individual as a DPS, is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant Licensing Authority a notice stating the reasons he is so satisfied.

2.0 BACKGROUND

- 2.1 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 On the application form it has been requested that the application to have immediate effect under section 38 of the Act which allows the premises to continue to sell alcohol until such time that this application is determined or withdrawn.
- 2.3 Members will recall that consideration was given to a review of the premises licence submitted by Greater Manchester Police on the 13 June 2023 and members resolved to revoke the premises licence and to remove the designated premises supervisor. An appeal to the Magistrates Court has been lodged against the decision, no date as yet has been given for this, therefore the premises can continue to trade in the meantime.

3.0 THE APPLICATION

- 3.1 Paragraph 4.3 of the Guidance issued under Section 182 of the Licensing Act 2003, states: -

Any premises at which alcohol is sold or supplied where the requirement for a personal licence holder does apply may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence. However, the requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to be present on the premises or oversee each sale; it is sufficient that such sales are authorised.

- 3.2 The application from Club Sixty Six Limited names Mr Alikhalil Abadi of 32 Horne Street, Bury, BL9 9BW as the new DPS. It is confirmed that Mr Alikhalil Abadi is the holder of a Personal Licence granted by Bury Council.

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 4.1 Greater Manchester Police will shortly give their reason(s) for their representations in relation to this application in which they request the Panel to refuse the application. The representation is attached at Appendix One

5.0 OBSERVATIONS

- 5.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.</i>	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

Consultation:

Not Applicable

Legal Implications:

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Report Author and Contact Details:

For further information on the details of this report, please contact:

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Background papers:

List of Background Papers:-
Application form
Representation received

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

Appendix One

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

Section 1 - Application Details

We object to the following Application:

CLUB 66
24 SILVER STREET
BURY
BL9 0DH

Type of application.

Change of DPS

Application Number (if known):

Section 2 – Responsible Authority's Details

Responsible Authority's Details:

Please tick appropriate box:

<input checked="" type="checkbox"/>	Police
<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority

	Health and Safety	
	Environmental Health Service	
	Child Protection	
	Weights and Measures	
	Licensing Authority	
	Immigration	
	Public Health Department	
Full name:	Peter Eccleston	
Job Title:	Bury District Licensing Officer	
Tele number:	07774219071 / 0161 856 2256	
Email:	peter.eccleston@gmp.police.uk	
Address:	<p>Bury Police Station Dunster Road Bury BL9 0RD</p>	

Section 3 – Representations	
x	We object to the application being granted at all
	We object to the application being granted in its current form*
<p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</p>	

You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Objectives

**To prevent
crime and
disorder**

Please accept this as a formal representation from Greater Manchester Police with regards to the application to change the Designated Premises Supervisor (DPS) to Alikhalil Abadi which was received on Friday 15th September 2023.

Mr Alikhalil Abadi has been the DPS of Club Sixty Six on two previous occasions during which time the licensing objectives have been undermined and as a result, formed part of the evidence presented by GMP in a recent application to review the premises license where the decision of the Licensing sub-Committee was to revoke the premises license.

Mr Abadi, was the DPS between 3rd and 15th November 2022 and GMP are aware of at least two occasions, patrons where allowed entry to the premises far past the last entry time and were allowed to leave the well past closing time.

- a. On Sunday 6th November 22: customers are observed being allowed entry to the premises past 03:28hours and were observed leaving past 04:20hrs.
- b. Saturday 12th November 2022: customers were observed being allowed entry to the premises past 03:00hours and with the main entrance still open at 03:22hours.

In relation to the second occasion, Mr Abadi was only the DPS for a week between the 7th and 14th July 2023 before resigning from his position.

Given the previous incidents during Mr Abadi's tenure as DPS GMP has concerns in relation to the management of the premises and a potential

	repeat whereby the premises license operating schedule and the licensing objectives are seriously undermined.
Public safety	Please state your reasons:
To prevent public nuisance	<i>Please state your reasons:</i>

<p>The protection of children from harm</p>	
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Section 3B – Suggestions/Further information

Signed.....P. Eccleston.....

dated 18/09/2023

N.B if you do make a representation, you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.