

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 18th December 2025

Present: Councillor T Rafiq (in the Chair)
Councillors D Green and D Quinn

Also in attendance: M. Bridge (Licensing Unit)
M. Cunliffe (Democratic Services)
D. Rice (Legal Services)

PC P. Eccleston (Greater Manchester Police- Representor)
S. Hawthorn (365 Management Solutions Ltd- Applicant)
D. Lealand (DPS- Designated Premises Supervisor)

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 other than those listed above.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by B. Thomson (Assistant Director of Public Protection & Resilience) and A. Bucior (Public Protection).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held at 10.30am on Wednesday the 3rd December 2025 was attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.30am on the 3rd December 2025 be approved as a correct record.

4 APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY A CHANGE OF DESIGNATED PREMISES SUPERVISOR IN RESPECT OF TOWLER INN, 460 WALMERSLEY ROAD, BURY, BL9 6QE

The Licensing Authority received an application under section 37 of the Licensing Act 2003, from 365 Management Solutions Limited, 5 Trafalgar Court, Widnes, WA8 0SZ to vary the Premises Licence held by them, in respect of Towler Inn, 460 Walmersley Road, Bury, BL9 6QE. This was to specify a change of Designated Premises Supervisor (DPS). Greater Manchester Police in their capacity as 'A Responsible Authority' had made a representation in respect of the application.

In making a decision, the steps the Sub-Committee can take are:-

- To grant the application
- To refuse the application and remove the DPS

The Licensing Unit Manager presented the report and 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.

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

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

On the application form it had been requested that the application 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.

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.

Paragraph 4.69 of the Guidance issued under Section 182 of the Licensing Act 2003, states:-

The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.

Paragraph 4.70 of the Guidance issued under Section 182 of the Licensing Act 2003, states:-

Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.

The application was from 365 Management Solutions Limited, 5 Trafalgar Court, Widnes, Cheshire, WA8 0SZ. The application was marked with immediate effect, Mr Dylan Barry Lealand, Apartment 38, 16 St. Johns Gardens, Bury is the new DPS. It is confirmed that Mr Lealand is the holder of a Personal Licence granted by Bury Council.

Greater Manchester Police would give their reasons for their representation in relation to this application in which they request the Panel to refuse the application. The representation was attached at Appendix One in the agenda packs.

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.

Section 182 Guidance issued by the Home Office states at:

4.69 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.

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The Licensing Unit Manager placed on record that the extra documents received after publication of the agenda packs had been circulated to Members of the Committee and this included character references and personal statements.

Mr Steve Hawthorne on behalf of 365 Management Solutions Limited addressed the Sub Committee and explained Mr Dylan Lealand was put forward as the DPS even though they were aware of the criminal offence of drink driving. He had been found guilty at the Courts and this was an isolated incident. There had been no previous offences committed and it was not related to the Towler Inn. The Courts had not removed or suspended his personal licence and there was no reason why he can't be the DPS. Mr Lealand would be under supervision by the company and had not been driving since May. Mr Hawthorne felt granting the application would not impact the licence.

The Licensing Unit Manager asked Mr Lealand if he had informed the courts that he held a personal licence and Mr Lealand stated he had not volunteered that information to the Courts.

PC Peter Eccleston presented a formal representation from Greater Manchester Police with regards to the appointment of the designated premises supervisor (DPS) at the Towler Inn.

Following the application to vary the DPS, research had been conducted on the GMP and National computer systems. The proposed DPS, was arrested in May 2025 for a relevant offence, driving a motor vehicle with excess alcohol amongst other motoring offences. Since then, Mr Lealand had pleaded guilty to these offences in August 2025.

GMP had serious concerns regarding the suitability of Mr Lealand being the DPS of a licensed premises and therefore brought this to the attention of the Licensing Sub-Committee.

PC Eccleston added that Mr Lealand had received community order and been disqualified from driving for 23 months. He was nearly 3 times over the prescribed limit with readings taken. Under crime and prevention, it was questioned about his suitability to be a DPS in charge of a licensed premises.

Mr Hawthorne was unsure if the offence was relevant for a personal licence holder and hoped he could continue working under his supervision and the punishments received to date were adequate measures already.

The Sub-Committee then duly retired to consider the application.

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:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to the relevant provisions of the national guidance and the Council's licensing policy statement.

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

Delegated decision

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations, the Sub-Committee found there were causes for concern so far as the promotion of the licensing objectives were concerned in relation to the prevention of crime and disorder.

It was therefore agreed that the Sub- Committee **refuse the application and remove the DPS.**

Reasons by the Sub- Committee included:-

- The position of DPS in charge of a licensed premises must be held by a responsible person.
- The nature and seriousness of the offence committed.
- Lack of notification to the Court about holding a personal licence.
- Doubts about personal self-control when in a position of being in charge of others.

The Chair advised of their right to appeal the decision to the Court within the relevant timescales upon receiving written notification.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 10.00am and ended at 10.45am)