

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 6 March 2023**

**Present:** Councillor Judge – in the Chair

**Councillors:** Hassan and Riasat

**LACHP/23/10. Review of a Premises Licence - Shah Convenience Store, Student Village, Lower Chatham Street, Manchester, M1 5SS**

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning the review of the above premises. The Hearing Panel also considered the written papers of the parties and the oral representations of the parties who attended as well as the relevant legislation.

At the request of the Licensing Out of Hours team a premises licence review had been requested on the grounds that the licence holder had failed to uphold the licensing objective(s) of the prevention of crime and disorder. Additionally, a failure to notify the licensing authority of a change in the layout of the premises, section 136 offence of the Licensing Act 2003 and a failure to engage or co-operate with responsible authorities and act on advice given was cited. The report outlined a number of attempts where the Premises Licence Holder (PLH) who is also the Designated Premises Supervisor (DPS) had not engaged with the Responsible Authority despite their many efforts to meet with him and all the advice offered. The PLH and DPS also failed to attend the hearing and it became evident to the Panel that he was no longer involved in the day-to-day management of the premises, which was a matter of concern.

In the absence of the PLH and DPS, the Chair consented to the Premises Manager to make statement to the Panel and engage in questions and answers in line with the established procedure for such hearings. The Panel took into account the representations of the Responsible Authority both written and oral and also the oral representations made by the premises manager as well as the relevant legislation and guidance

Having duly considered the written and listened to the representations of the Licensing Out of Hours officer, the Panel was particularly concerned that there was effectively no active DPS under whose authority alcohol sales were taking place. The Panel also noted that the layout of the premises had been altered and despite many attempts by officers to advise the PLH in relation to making an application for a minor variation a valid and complete application had still not been made.

The Premises Manager advised the Panel that his father had purchased the business approximately a year ago however the former PLH still had some involvement as he was associate of his fathers and still trained staff regularly. The Premises Manager also informed the Panel that it was his intention to apply for a transfer of the licence and transfer of DPS at the end of March 2023.

The Panel was very concerned about the undue delay in transferring the licence and the lack of engagement with the Licensing Authority and Responsible Authority by the PLH. The details on the licence were acknowledged to be a very important control and the Panel resolved that the PLH and DPS was no longer actively involved with the business. The Panel reminded themselves of the importance that licensed businesses are properly managed and that the licence details are accurate and reflect both the layout of the premises and how it operates.

The Panel therefore considered it appropriate and proportionate to suspend the licence for 28 days to give the owners one further opportunity to make the application to transfer the licence and regularise the licence so that alcohol sales are carried out under a licence which properly reflects the operation and management of the premises and that there is a DPS named who is actively involved in managing the premises.

### **Decision**

To suspend the licence for 28 days.