

LICENSING ACT 2003

Application to review the Premises Licence at Da Shop, 15-19 Worcester Road, Cheadle Hulme, SK8 5NW.

Report of the Corporate Director for Place Management & Regeneration

1. PURPOSE OF REPORT

- 1.1. For Members to consider an application from Greater Manchester Police to review the Premises Licence for Da Shop, 15-19 Worcester Road, Cheadle Hulme, Stockport, SK8 5NW, due to failure to adequately promote the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

2. DETAILS

- 2.1. Applicant: Pc 17736 Ellison on behalf of the chief officer of police for GMP.
Name of Premises: Da Shop
Premises Licence Holder: Mr Qaiser Mahmood
Designated Premises Supervisor: Mr Qaiser Mahmood.
Address of Premises: 15-19 Worcester Road, Cheadle Hulme, SK8 5NW.
Location Map: **Appendix F**

3. BACKGROUND

- 3.1 On 17th July 2024, Greater Manchester Police made an application for a summary / expedited review of the Premises licence under section 53a of the Licensing Act 2003. This was due to serious crime at the premises. A copy of the review application is attached at **Appendix A**.
- 3.2 A copy of the premises licence is attached at **Appendix B**.
- 3.3 The summary review was heard on the 19th July 2024. The Licensing Sub-committee made the decision not to suspend the Premises Licence. The minutes from this meeting can be found at **Appendix C**.
- 3.4 In accordance with the provisions of the Licensing Act, on the 18th July 2024 public notices were placed on display at the premises providing the details of the licensing review.
- 3.5 A further representations were received from the public health team. This can be found at **Appendix D**.
- 3.6 9 Letters of support for Da Shop were received. These can be found at **Appendix E**

4. GUIDELINES

- 4.1. Section 52 of the Licensing Act 2003 states that the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- 4.2. Section 52 (4) states that the steps are-
- (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- 4.3 Section 52 (5) states that any steps taken under section 52 (3) are subject to the requirement to include certain mandatory conditions in the Premises Licence.
- 4.4 Section 52 (6) states that where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 4.5 Section 52 (7) states that in this section “relevant representations” means representations which—
- (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).
- 4.6 Section 52 (8) states that the requirements are—
- (a) that the representations are made—
 - (i) by the holder of the premises licence, a responsible authority or any other party, and
 - (ii) within the period prescribed under section 51(3)(c),
 - (b) that they have not been withdrawn, and
 - (c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- 4.7 The current version of Statutory Guidance issued under section 182 of the Licensing Act 2003 was issued in April 2018. Chapter 11 of the guidance deals with the matter of reviews, the paragraphs extracted below are deemed to be particularly relevant to this review application:-
- Paragraph 11.2 states that at any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
 - Paragraph 11.18 states that however, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely

repeat that approach and should take this into account when considering what further action is appropriate.

5. OPTIONS

5.1 In considering this review application the following options are available to the Sub Committee

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

6. RECOMMENDATION

6.1 The Committee is asked to determine the application to review the Premises Licence at Da Shop, 15-19 Worcester Road, Cheadle Hulme, Stockport, SK8 5NW

BACKGROUND PAPERS

Licensing Act 2003

Statutory Guidance to the Licensing Act 2003, as revised, December 2023.

Stockport Council's Licensing Policy, 2021—2026

Anyone wishing to inspect the above background papers or requiring further information should contact Ian O'Donnell by email at ian.odonnell@stockport.gov.uk