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LICENSING, ENVIRONMENT & SAFETY SUB-COMMITTEE A

Meeting: 13 August 2024
At: 6.00 pm

PRESENT

Councillor Dickie Davies (Chair) in the chair; Councillor Shan Alexander and Dean Fitzparick.

1. MINUTES

The minutes (copies of which had been circulated) of the meeting held on 19 July 2024 were approved as a correct record and signed by the Chair, subject to an amendment to note that, although the Sub Committee agreed that interim steps were not required at the time, members had serious concerns about the character of the licensee.

2. DECLARATIONS OF INTEREST

Councillors and officers were invited to declare any interests which they had in any of the items on the agenda for the meeting.

No declarations of interest were made.

3. PUBLIC QUESTION TIME

Members of the public were invited to put questions to the Chair on any matters in the powers or duties of the Sub-Committee, subject to the exclusions set out within the Code of Practice.

No public questions were submitted.

4. EXCLUSION OF THE PUBLIC AND PUBLIC INTEREST TEST

RESOLVED - That the press and public be excluded for the following item as exempt by virtue of Paragraphs 1 and 2 of Schedule 12a of the Local Government Act 1972 as containing information relating to any individual and information which was likely to reveal the identity of an individual:

Agenda item 5 'Application for the review of the premises licence at Da Shop, 15-19 Worcester Road, Cheadle Hulme, SK8 5NW'.

5. APPLICATION TO REVIEW THE PREMISES LICENCE AT DA SHOP, 15-19 WORCESTER ROAD, CHEADLE HULME, SK8 5NW

A representative of the Director for Place Management submitted a report (copies of which had been circulated) detailing an application from Greater Manchester Police (GMP) for a review of the premises licence at Da Shop, 15–19 Worcester Road, Cheadle Hulme, SK8 5NW, following allegations that the premises had been associated with serious crime and disorder.

Representatives from GMP attended the meeting and answered questions in relation to the application for review. GMP's position was supported by written representations from the Public Health.

The Premises Licence Holder and a representative also attended the meeting and answered questions in relation to the review. A resident, who had submitted a representation in support of the Premises Licence Holder, spoke to their representation. Written representations in support were also received from a number of other residents, and these were also considered by the Sub Committee.

Additional evidence was submitted by GMP at the meeting. The interested parties agreed that the additional evidence could be presented to and considered by the Sub Committee.

The Sub Committee, having heard the interested parties, proceeded to consider the prevention of crime and disorder and the protection of children from harm licensing objectives in respect of the review, together with the relevant parts of the Council's Licensing Policy and guidance from the Home Office.

The decision was then reached on consideration of all submissions given in relation to this specific application.

It was then

RESOLVED – That, having heard the application for a review of the Premises Licence at Da Shop, 15–19 Worcester Road, Cheadle Hulme, SK8 5NW, made by GMP, and having considered all the evidence presented, the Sub Committee were satisfied that relevant representations had been made in respect of the prevention of crime and disorder and the protection of children from harm licensing objectives.

On the evidence before them, the Sub Committee had no faith that the management of the premises could be run responsibly and in accordance with the licensing objectives, given the number of irresponsible decisions made by the Premise Licence Holder.

Namely, the decision to have persons making deliveries of alcohol without being formal employees of the premises and, those persons, on the balance of probability, having been involved in activities relating to criminal damage and the supply of drugs. The Sub Committee were satisfied that a causal link had been established between the premises, the children who were employed at the premises and the individuals who were alleged to be involved in serious crime and disorder, thus linking the Premises Licence to the allegations.

The Sub Committee, on balance, were more taken with the evidence from the children and felt that the Premises Licence Holder failed to protect the children from harm, as the children reported being involved in activities relating to criminal damage and the supply of drugs. This indicated the Premise Licence Holder's failure to recognise the wider responsibility in respect of the licensing objective, to protect children from harm.

These poor management decisions meant that the Premises Licence Holder was unable to prevent the undermining of the licensing objectives, despite the fact that the Premises

Licence Holder had extensive experience in managing premises and being the responsible person for the premises.

It was noted that, at the summary review hearing, the Sub Committee decided that interim steps were not required on the basis that the allegations dated back to 2021 and there was no urgency or requirement for interim steps to be taken in respect of the licence. The Sub Committee were also reassured that the bail conditions that were in place at the time alleviated concerns in the interim period.

The Sub Committee, on review of all the evidence presented by interested parties at the full review hearing, were satisfied that the actions of the Premises Licence Holder had undermined the prevention of crime and disorder and the protection of children from harm licensing objectives, and had no faith that the Premises Licence Holder's proposed conditions would satisfactorily ameliorate the concerns that had been expressed by GMP during the hearing. Having considered all less restrictive options available to them, the Sub Committee determined that it was reasonable, balanced, appropriate, and proportionate, based on all the evidence, that the Premises Licence be revoked in full.

Following the determination, it was confirmed that a review of interim steps was not required. GMP confirmed that they were satisfied with this position.

The meeting closed at 9.11 pm