

AGENDA ITEM NO.

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 16th January 2024
Report for: Decision
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE – SAMI SWOI, 101 MANCHESTER ROAD, BROADHEATH, ALTRINCHAM, WA14 4RL

Summary

The Licensing Authority has received an application from Elizabeth Pritchard on behalf of the Council's Trading Standard's Team requesting a review of the Premises licence held by Mr Haream Rasoul for premises known as Sami Swoi on the grounds of prevention of crime and disorder.

Recommendation(s)

The Sub-committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.

The steps stated in Section 52(4) 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.

The Sub-Committee has the power in relation to steps (a) and (b) to provide that the

modification and exclusion only has effect for a limited period not exceeding three months.

The Sub-Committee also have the option to take no further action or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

Contact person for access to background papers and further information:

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1. BACKGROUND

- 1.1 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.2 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.
- 1.3 The licensing objectives are:
 - The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm

2. APPLICATION

- 2.1 On the 16th November 2023 the Licensing Authority received an application from Elizabeth Pritchard on behalf of the Council's Trading Standard's Team for a review of the Premises Licence PL052615. The licence is held by Mr Haream Rasoul for premises known as Sami Swoi, 101 Manchester Road, Broadheath, Altrincham, WA14 4RL. The premises are described as a small corner grocery/newsagents situated in a shopping area on a main road. A copy of the Premises Licence is attached at **Appendix A** and copy of the review application is attached at **Appendix B1 and B2**.
- 2.2 Ms Pritchard has confirmed that, in accordance with the regulations, the application was also given to the premises licence holder and responsible authorities on the same date.
- 2.3 The application is made on the grounds of preventing crime and disorder. Ms Pritchard states that she believes the premises are not being operated in a manner which is consistent with promoting the licensing objectives because the premises are being

used for criminal activity through the persistent sale and supply of illegal and counterfeit tobacco products and non-compliant vapes. This activity has led to a Closure Order being imposed by the Courts – see **Appendix D**.

- 2.4 Following receipt of the application the Authority posted notice of the application outside the premises; on the Council's website; and at the Council's Offices for 28 consecutive days.

3. REPRESENTATIONS

- 3.1 On the 11th December 2023 PC John Lloyd from Greater Manchester Police submitted a representation in support of the application for review on the grounds of prevention of crime and disorder; and recommends in the representation that the premises licence be revoked. A copy of the full representation is attached at **Appendix C**.

3. KEY ISSUES

- 3.1 The grounds for review and any representations must relate to one or more of the licensing objectives and must be relevant. Representations from interested parties may not be frivolous, vexatious or a repetition.
- 3.2 The Council will consider requests for a review of an existing premises licence if representations are made from the following:
- A Responsible Authority such as the Police and Fire Authority; or
 - Any other person
- 3.3 The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of these objectives are not being met.
- 3.4 The Sub-Committee should consider the relevance of the ground or grounds for review and any representations.
- 3.5 The Sub-Committee should consider whether or not any appropriate pre-review warnings have been given and/or any mediation taken place.

4. RECOMMENDATION

- 4.1 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.
- 4.2 The steps stated in Section 52(4) are:
- to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor;
 - to suspend the licence for a period not exceeding three months;
 - 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 The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.
- 4.4 The Sub-Committee also have the option to leave the licence in its existing state and/or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

ATTACHED

Appendix A – Copy of Premises Licence PL05615

Appendix B1 and B2 – Application for Review

Appendix C – Representation - Greater Manchester Police

Appendix D – Closure Order