

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 4 February 2016

Present: Councillor D Jones(in the Chair)
Councillors R Hodgkinson and T Holt

**Apologies for
Absence:** -

Public Attendance: There were no members of the public in attendance except for the Applicant, Mr Yohannes, 2 representatives from Greater Manchester Police and 2 objectors, Ms Beckett Murray and Mr Aslam.

Apologies for Absence:

LHP.1 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LHP.2 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF ETHANE CONVENIENCE STORE, 19 BOLTON STREET, BURY, BL9 0EY

Prior to the Hearing the authority received an application submitted for a Premises Licence under Part 3 of the Licensing Act 2003, for the supply of alcohol to the public in relation to Ethane Convenience Store, 19 Bolton Road, Bury, BL9 0EY.

The application was as detailed in the report which was presented to the Members of the Panel by the Licensing Unit Manager.

Representations in respect of the application were received within the appropriate period from a number of local businesses and from Greater Manchester Police.

All written representations were contained within the written submissions provided in the report to the Panel.

All documentary evidence comprising the application, the report provided with the agenda and representations were served on all parties in advance of the hearing.

The Panel heard oral representations from the Applicant Mr Yohannes.

The Panel asked questions of the Applicant. All parties were offered the opportunity to question the Applicant.

The Panel heard oral representation from Greater Manchester Police.

The Panel asked questions of the Police. All parties were offered the opportunity to question the Police.

The Panel heard oral representations from Ms Beckett Murray and Mr Aslam who had raised objections.

The Panel asked questions of the objectors. All parties were offered the opportunity to question the objectors.

All parties were offered the opportunity to sum up their case.

The Panel then duly retired to consider the application and all of the information provided.

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:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in March 2015

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

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

FINDINGS

The following facts were found:

1. The proposed licensed premises are located in the town centre of Bury, next to a takeaway and close to other businesses in particular a number of other licensed premises.
2. There is only one other licensed premise with the town centre of Bury licensed for the supply of alcohol for the consumption off the premises. This licensed premise sells fine wines and craft beers, and has shorter opening hours. The other premises on the edge of the Town Centre are large concerns, namely M&S, Tesco and Asda.
3. The proposed licensed premises proximity to taxi ranks and other drop off areas may lead to people purchasing alcohol and drinking before visiting those premises licensed for the consumption of alcohol on the premises.

4. The Applicant has a 5 year lease of the proposed licensed premises and has been trading alone for 3 months, from 9am to midnight. He would continue to do so if the application were granted.
5. The Applicant has no previous experience of selling alcohol or working anywhere where alcohol has been sold or supplied.
6. The Applicant had no proposals re security of himself or the premises in the event of a violent incident occurring, unlike other licensed premises with door staff, CCTV and the like.
7. The sale of alcohol may encourage people to congregate outside the premises, thereby increasing the risk of alcohol related crime and disorder in the area and in particular affecting local people and businesses.
8. Based on the Statement produced by Greater Manchester Police from a PC Scott, there have been numerous incidents of crime and disorder and numerous victims of crime and disorder and anti-social behaviour, resulting from the consumption of alcohol, of people in and around the town centre of Bury.
9. In addition, young people often congregate around off licence premises and there has been a problem with underage drinking in the past and this may reoccur. Youths often approach adults to purchase drink from them.
10. Bury has a Designated Public Places Order which bans street drinking.
11. Greater Manchester Police also produced information relating to a number of incidents of violence and youth nuisance during the period December 2014 to November 2015, which occurred in close proximity to the proposed licensed premises.
12. Based on the Statement produced by Greater Manchester Police from a DS Shaw there has been a further issue with young people as victims of crime and Child Sexual Exploitation. The police have identified 'hotspot' areas, one of these being Kay Gardens in the Town Centre where it was noted that young people congregate, drink alcohol and become vulnerable to sexual predators.
13. Further, a great deal of time and resource has been expended by Greater Manchester Police tackling the crime, violence and anti-social behaviour, resulting from the consumption of alcohol, and identifying and supporting victims of crime. The grant of the application would therefore have an impact on this.

DECISION

Having heard all the oral submissions and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided as follows.

The evidence was considered with care and it was established that following the evidence, having understood the application and equally understanding the representations made, on balance the Panel found there were causes for concern so far as the promotion of the following Licensing Objectives were concerned;'

- a. The prevention of crime and disorder
- b. Public safety
- c. Protection of children from harm.

Further, there was insufficient in the Applicants submissions and operating schedule to meet those concerns..

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **To Refuse the Application for a Premises Licence** as set out in the report.

COUNCILLOR
Chair

(Note: The meeting started at 1.30 pm and ended at 3.30 pm)