

# **AGENDA FOR LICENSING HEARING PANEL**

*Contact::* Nicole Tilly  
*Direct Line:* 0161 253 5398  
*E-mail:* n.l.tilly@bury.gov.uk  
*Web Site:* www.bury.gov.uk

**To: All Members of Licensing Hearing Panel**

**Councillors** : R Hodkinson, T Holt and D Jones (Chair)

Dear Member/Colleague

## **Licensing Hearing Panel**

You are invited to attend a meeting of the Licensing Hearing Panel which will be held as follows:-

<b>Date:</b>	Thursday, 4 February 2016
<b>Place:</b>	Room 01, Ground Floor, Knowsley Place, Duke Street, Bury
<b>Time:</b>	1.30 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

### **1 APOLOGIES**

### **2 DECLARATIONS OF INTEREST**

Members of the Licensing Hearings Panel are asked to consider whether they have an interest in any matters on the agenda and if so, to formally declare that interest.

### **3 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 (Pages 1 - 6)**

A report by the Assistant Director (Localities) is attached.

<b>REPORT FOR DECISION</b>
----------------------------

<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>4<sup>th</sup> FEBRUARY 2016</b>
<b>SUBJECT:</b>	<b>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.</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR DESIGNATE (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This report relates to an 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 in respect of which representations have been received.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>• To grant the application in the terms requested</li> <li>• To grant the application subject to conditions</li> <li>• To amend or modify existing or proposed conditions</li> <li>• To refuse the application</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals
<b>Statement by Executive Director of Resources:</b>	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and

	Crown Courts.
<b>Equality/Diversity implications:</b>	<b>Yes</b> <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	<b>Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.</b>
<b>Wards Affected:</b>	East
<b>Scrutiny Interest:</b>	Internal Scrutiny Panel

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

**2.0 INTRODUCTION**

- 2.1 The applicant for the licence in respect of the above premises is Mr Mebratom Yohannes, 214 Walmersley Road, Bury, BL9 6LL. Mr Yohannes is also the proposed Designated Premises Supervisor (DPS).
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.
- 2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

- a) the prevention of crime and disorder
- b) public safety
- c) prevention of public nuisance and
- d) protection of children from harm

### **3.0 THE APPLICATION**

3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

The operating schedule shows the following:

#### **a. Supply of alcohol – For consumption Off the Premises.**

Monday to Sunday	9.00 to midnight
------------------	------------------

#### **b. Opening Hours**

Monday to Sunday	9.00 to midnight
------------------	------------------

### **4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

4.1 Greater Manchester Police will shortly give their reason(s) for their representations in relation to this application which they request the Panel to refuse. However if members are minded to grant the application, they request conditions to be attached and the hours be amended on the premises licence. The conditions and the suggested hours are attached at appendix 1.

### **5.0 OTHER REPRESENTATIONS**

5.1 Representations have been received from interested parties in respect of this application. The nature of the representations received are summarised as follows:-

- Anti social behaviour
- Nuisance
- Litter
- Drinking by minors
- Personal safety

5.2 All the representations were received before the end of the objection period.

### **6.0 OBSERVATIONS**

6.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

#### **List of Background Papers:-**

- Application form
- Representations received
- Plan

***For further information on the details of this report, please contact:***

Mr M Bridge  
Licensing Office  
3 Knowsley Place  
Duke Street  
Bury  
Telephone No: 0161 253 5209  
Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

- The premise is to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The recording medium (e.g. discs / tapes / hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / Authorised Officers of the Licensing Authority upon request.
- The premises licence holder or designated premises supervisor [delete as necessary] is to ensure that at least two members of trusted staff (or other person(s) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.
- On an annual basis the premises licence holder or the DPS is to ensure that the CCTV system is checked & maintained to any recognised specification and is in working order.
- A Personal Licence holder must be on the premises at all times when open to the public.
- Staff training shall take place on the Licensing Act and licensing objectives when employment commences and / or every twelve months a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
- No person in possession of an alcoholic drink in an open or unsealed container shall be allowed to enter the premises.
- One security staff must be employed at the premises on Friday & Saturdays between the hours of 8pm and close of business.
- A SIA log must be maintained at the premises showing the full name, date of birth and SIA number of the door security staff, when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises or refused to be sold alcohol. The log is to be made available to the Police, to SIA inspectors & to authorised officers of the Licensing Authority on request.
- The premises must be linked to a system of communication with the Police and other licensed premises as agreed with the Police and Licensing Authority. The system shall be kept in good working order at all times. When the premises are open to the public, the communications link to the Police and other licensed premises shall be switched on and available to and monitored by the Designated Premises Supervisor or a nominated member of staff. The system to be used to report incidents and warn each other of the presence of potential trouble makers in the area.
- Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

## Document Pack Page 6

- Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises
- No Refuse shall be disposed of or collected from the premises between the hours of (9pm and 8am) where such disposal or collection is likely to cause disturbance to local residents.
- The premises will operate a "Challenge 25" proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold / supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.
- The premises is to maintain a refusals book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police / authorised officers of the Licensing Authority on request.
- No person under the age of 16 to be permitted to be in the premises after 9pm (daily) unless accompanied by an appropriate adult.
- All individual alcohol containers (eg. bottles/cans/cartons) before going on display for sale are to be uniquely and indelibly marked in a manner approved by the Greater Manchester Police.
- That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff, namely:
  - All Spirits
  - All Wine

If the licensing panel are of a mind to grant the premises licence for Ethane Convenient store & off licence.

GMP would request that the hours that the premises are permitted to be open for the licensable activity of the sale of alcohol by retail off the premises be limited to the following hours (standard retail hours):-

- Monday – Sunday 09.00hrs – 18.00 hrs.