

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 25 April 2019

Present: Councillor D Jones (in the Chair)
Councillors T Holt and G Keeley

Also in attendance: PC Caulfield (GMP)
Ms K Halligan (Trading Standards Officer)
Ms L Jones (Licensing Department)
Mr Waqas Mahmood (Premises licence holder)

Public Attendance: One member of the press was present.

Apologies for Absence:

LHP.1 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting.

LHP.2 AN APPLICATION FROM AN RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF KILLON STREET OFF LICENCE, 26 PRICE STREET, BURY, BL9 7EB

Prior to the Hearing, the Licensing Authority received an application pursuant to section 51 of the Licensing Act 2003, from a Responsible Authority, namely the Weights and Measures Authority, for a review of the Premises Licence in respect of Killon Street Off Licence, 26 Price Street, Bury, BL9 7EB.

The application was outlined in the report presented to members of the Panel by the Licensing Manager, who explained that at the time of the submission of the review application on 6 December 2018, the Premises Licence in respect of Killon Street Off Licence, was held by Mr Raja Naveed Aijaz, who was also the Designated Premises Supervisor (DPS).

On 19 December 2018, the Licensing Authority received an application to transfer the Premises licence with immediate effect into the name of Mr Waqas Mahmood. On the same day, an application to vary the DPS with immediate effect was received to make Mr Mahmood the DPS.

The Licensing Authority did not receive any representations during the representation period in respect of the application to transfer the Premises licence or the application to vary the DPS from Greater Manchester Police (GMP). Therefore the Premises licence has been transferred and the DPS varied into the name of Mr Mahmood.

The Licensing Manager went on to explain that the Licensing Authority and Greater Manchester Police, as Responsible Authorities, had made representations in

relation to the application by the Weights and Measures Authority. Further, prior to the hearing, Mr Mahmood the current Premises Licence Holder had entered discussions with the said Applicant and Responsible Authorities regarding the licence, previous issues at the premises and the possibility of further licence conditions being considered.

However, Mr Mahmood had been unable to obtain all of the requested documentation and therefore all parties asked the Panel to consider adjourning the matter to enable this to be provided to the Panel.

Mr Mahmood has since provided the information and confirmed before the Panel that he accepted there had been issues associated with the premises that undermined the licensing objectives as set out in the review application. He further confirmed his agreement to the licence being varied to incorporate the conditions proposed by the Applicant.

Delegated decision:

All of the evidence was considered with care and it was established that having understood the request for review and equally understanding the representations made, including the agreement reached by the Premises Licence Holder, the Applicant and the Responsible Authorities as to the concerns regarding promotion of the licensing objectives associated with the premises and in addition there being agreement as to proposed additional licence conditions, the Panel was satisfied that there were causes for concern so far as the promotion of the following Licensing Objectives were concerned:

- The Prevention of Public Nuisance
- the Prevention of Crime and Disorder
- the Protection of Children from Harm

The Panel was further satisfied that in all of the circumstances, in order to deal with those concerns it considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence and the agreement reached, **to modify the conditions attached to the licence by the additions of the following;**

Prevention Of Public Nuisance

- **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.**
- **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.**
- **Where the premises provide food to the public for consumption off the premises there shall be provided at or near the exits, one waste**

bin to enable the disposal of waste food, food containers, wrappings etc.

- Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. *Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.*

The Prevention of Crime and Disorder

- 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 type of system and the number / positioning of cameras is to be agreed in liaison with the police. 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 consecutive 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 is to provide the police with the contact details of at least two members of 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. The premises licence holder or the Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
- On an annual basis [or at a greater frequency specified] the premises licence holder or the DPS is to notify the licensing office in writing that the cctv system has been checked, maintained to any recognised specification and is in working order. An action plan to be agreed to rectify any recorded malfunction or planned alterations.
- A Personal Licence holder must be on the premises on Thursday, Friday and Saturday between 15.00 hrs and close of business and have a personal licence on their person which can be produced on request by police / authorised officers of the Licensing Authority.
- Staff training shall take place on the Licensing Act and Licensing objectives every six months and 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 alcoholic drink shall be removed from the premises in an unsealed container.

Protection of Children from Harm

- **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 should to be accepted as proof of age.**
- **A documented Challenge 25 scheme will be operated at the premises. The Challenge 25 scheme shall be actively promoted and advertised at the premises and will ensure that any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person.**
- **Where a purchaser is asked for Identification, only the following forms of identification will be acceptable:-**
 - (a) Photo driving licence**
 - (b) Passport or**
 - (c) Her Majesty's Forces Warrant Card**
- **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.**
- **All individual alcohol containers (e.g. 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 and Bury Council. The mark shall be the letter 'K' permanently marked on the bottles/cans/cartons.**

COUNCILLOR D JONES
Chair

(Note: The meeting started at 1.00 pm and ended at 1.15 pm)