

**Minutes of: LICENSING HEARING PANEL**

**Date of Meeting:** 18 August 2020

**Present:** Councillor T Holt (in the Chair)  
Councillors J Grimshaw and I Schofield

**Also in attendance:** Mr R Botkai – Applicant’s solicitor  
Councillor S Briggs – Radcliffe North Ward  
A Green – Council Solicitor  
Pc G Scott – GM Police  
Ms T Vlahovic – Applicant’s solicitor  
Ms R Walker - Applicant

**Public Attendance:** 2 members of the public were present at the meeting, Mr R Townsend and Mr R Ward

**Apologies for Absence:**

---

**LHP.1 DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**LHP.2 MINUTES OF THE LAST MEETING**

**Delegated decision:**

That the Minutes of the last meeting held on 20 July 2020 be approved as a correct record and signed by the Chair.

**LHP.3 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF TURKS SERVICE STATION, TURKS ROAD, RADCLIFFE, MANCHESTER, M26 3NW**

The applicant for the licence in respect of the above premises is Motor Fuel Ltd, Gladstone Place, 36-38 Upper Marlborough Road, St Albans, AL1 3UU. The proposed Designated Premises Supervisor (DPS) is Syed Ahmed Iftikhar, 3 Canford Close, Great Sankey, Warrington, WA5 1TS.

The Solicitor for the Council explained the role of Councillor Briggs as spokesperson for local residents making objections. That she has no influence in her capacity as councillor. That she will not be a party to the decision making process. That her representations were made on behalf of residents.

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

The amended operating schedule shows the following:

Late Night Refreshment – Outdoors  
Monday to Sunday 23.00 until 05.00

Supply of alcohol – For consumption Off the Premises only.  
Monday to Sunday 06.00 until 23.00

Opening Times.  
Monday to Sunday 00.00 until 24.00

Prior to the Hearing, Mr Botkai, Solicitor representing the applicant submitted amended conditions on behalf of the application. Mr Botkai went through the conditions and answered questions in relation to them

PC Scott representing GM Police confirmed that having reviewed the amended conditions the representation from Greater Manchester Police was withdrawn.

21 interested parties had made representations to this application:-

Councillor Sharon Briggs, Ward Councillor for Radcliffe North and 2 local residents were in attendance at the meeting. Councillor Paul Cropper had also submitted written representation on behalf of local residents.

The residents Mr Townsend and Mr Ward and Councillor Briggs raised concerns in relation to:

- Noise disturbances late into the night.
- Anti-social behaviour
- Increased litter in the area
- Illegal off road vehicles purchasing fuel from the station
- People purchasing coffee and sitting on the wall on site after the pubs had closed
- Staff training in relation to aggressive customers

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 June 2014

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.

Members of the Panel retired to make their decision.

**Fact Finding:**

The application had been revised to supply alcohol up to 11pm and not 24 hours.

The applicant had agreed to give the residents contact details and to meet with them over any concerns they may have or that arise in the future.

**Delegated decision:**

All of the evidence was considered with care and it was established that having understood the Application and equally understanding the representations made, and in view of the agreement reached between the Applicant and the Responsible Authority, the Panel found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was agreed unanimously, to grant the application for a Premises Licence, subject to the following conditions being attached to the Licence;

**Conditions**

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. The licence holder must notify the police or licensing officer within 24 hours of a whole CCTV system failure.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

8. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
9. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
10. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.
11. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
12. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales.

Induction training must be completed and documented prior to the sale of alcohol by the staff member.

Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

13. At least one personal licence holder will be available (this does not mean necessarily present at the premises) at all times that alcohol is on sale
14. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
  - details of the time and date the refusal was made;
  - the identity of the staff member refusing the sale;
  - details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request.

15. An incident book/register shall be maintained to record:
  - all incidents of crime and disorder occurring at the premises
  - details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

16. There shall be no self-service of spirits except for spirit mixtures.

17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. Alcohol may only be sold in sealed containers.
19. There shall be no sale of single cans of beer, lager or cider from the premises.
20. There will be no sales/supplies of beer, lager or cider with an ABV over 6%.
21. The entrance door to the shop will be closed to customers between the hours of 2300 and 0600. Any sales between these hours will be made through the night pay window.

**COUNCILLOR T HOLT**  
**Chair**

**(Note: The meeting started at 10.33 am and ended at 12.33 pm)**