

**Minutes of: LICENSING HEARING PANEL**

**Date of Meeting:** 14 September 2020

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

**Also in attendance:** A Green – Council Solicitor  
Mr I Rushton – Applicant’s solicitor  
Mr L Thomas– Applicant’s  
Mrs D Buurdaky - Representor

**Public Attendance:** The meeting was live streamed on the Council website

**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 MYLES TRADING, 2A THE PARADE, RUFFORD DRIVE, WHITEFIELD M45 8PL**

The applicant for the licence in respect of the above premises is Mr Lijo Thomas, 13 Evesham Walk, Middleton, M24 1PW. Mr Thomas is also the proposed Designated Premises Supervisor (DPS).

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

The operating schedule shows the following:

Supply of alcohol – For consumption Off the Premises only.  
Monday to Sunday 07.00 until 23.00

Opening Times.  
Monday to Sunday 07.00 until 23.00

Mr Rushton, the applicant’s solicitor reported that the applicant was a well-respected member of the public with a lot of experience of running a business. Mr Thomas had experience of selling alcohol and had previously been a DPS of another premises, he was committed to make the business a success and had confirmed the lease on the premises for 5 years.

Mrs Buurdaki, representor explained that there would be two off licences in a small row of 6 shops. She also stated that her concerns were that the premises being granted a licence:

- Will cause disruption
- Anti-social behaviour of patrons

Mrs Buurdaki had raised concerns in relation to the Post Office on the site but was happy to withdraw these concerns as she was now aware that Mr Thomas had no involvement with the Post Office.

The Licensing Authority had received 73 individual letters in support of the application. Michael Bridge informed the Panel that 10 of the letters should be disregarded as residents were either not known at the address stated, had not signed the letters or were withdrawing their support.

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 applicant had been a DPS of other premises.

GM Police had raised no concerns in relation to the application.

Need is not an issue that the Panel should consider so the fact that there is already a premises selling alcohol on the parade is disregarded.

**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, 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:-

1. A CCTV camera system capable of providing evidential quality images in all lighting conditions shall be used covering the interior and the immediate exterior (entrance) of the shop. Images will be retained for a period of at least 28 days and be made available to the Police upon request within a reasonable time period.
2. A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing under age sales and complying with licence conditions. Refresher training will be provided every 12 months, records will be kept and be made available to responsible authorities
3. All staff selling alcohol shall be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop for inspection.
4. The PLH and staff will be vigilant and monitor the area immediately outside the shop to check that youths do not cause annoyance by congregating.
5. Spirits will be kept behind the counter.
6. Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book kept at the premises. This book will be kept in the shop and available for inspection.
7. The premises shall operate a strict alcohol refusals policy - alcohol will not be sold to;
  - (1) Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);

- (2) Any person found to be drinking alcohol in the street;
- (3) Any person who is drunk or appears to be drunk;
- (4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;
- (5) Any person unable to provide valid ID when requested by staff;
- (6) Any person who is verbally or physically abusive towards staff or customers.
- (7) To any person suspected of trying to buy alcohol for another person(s) who may be under age.
- 8. A notice advising customers of the refusals policy shall be on display.
- 9. 'Crimestoppers' promotional material will be on display to promote the initiative.
- 10. Appropriate fire safety equipment to be available, and the PLH shall comply with other legislative requirements to ensure that the shop is safe for customers and staff.
- 11. Deliveries to the premises will be arranged so as not to cause will not lead to any public nuisance.
- 12. Notices shall be on display in the premises asking customers to leave the premises quietly.
- 13. Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.
- 14. The PLH shall ensure that anyone who appears to be under 25 years old who attempts to purchase alcohol will be asked to prove their age by producing

an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.

15. A refusals register (for the sale of alcohol) will be kept and be available for inspection by responsible authorities.
  
16. Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

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

**(Note: The meeting started at 1.10 pm and ended at 2.00 pm)**