

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 21 October 2021

Present: Councillor T Holt (in the Chair)
Councillors J Grimshaw and G McGill

Also in attendance: J. Witkowski (Legal)
M. Bridge (Licensing)
M. Cunliffe (Democratic Services)

A Gul (Applicant)
T Dales (Applicants Representative)
Councillor Walmsley (Representor)

Public Attendance: No members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B. Thomson Head of Public Protection.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF SHOP LOCAL A-Z, 58 WALMERSLEY ROAD, BURY, BL9 6DP

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Shop Local A-Z, 58 Walmersley Road, Bury, BL9 6DP. The applicant is Ahmed Ullah Gul of 19 Royal Avenue, Bury, BL9 6NQ. He is also the proposed Designated Premises Supervisor (DPS).

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

Representations were received within the appropriate period by the Licensing Authority from a Responsible Authority, namely Greater Manchester Police (GMP) and 3 other interested parties.

All representations were contained within the written submissions provided in the report to the Sub-Committee.

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

Extra information circulated prior to the meeting after publication of the agenda pack included:-

- A map detailing the locations of nearby convenience stores.
- Photographs of the road and pavement outside the shop.
- Due Diligence report pack.

The proposed operating schedule showed the following:

- | | | |
|----|---|----------------|
| a. | Supply of alcohol – For consumption Off the Premises. | |
| | Monday to Sunday | 08:00 to 23:00 |
| b. | Hours open to the Public | |
| | Monday to Sunday | 07.00 to 23.00 |

The Licensing Unit Manager presented a report that explained that GMP had made representations in relation to the Premises Licence application requesting that the Sub-Committee do not grant the application as submitted. However, it was stated that since that time, mediation between GMP and the Applicant had taken place and agreement reached as to the replacement of the majority of the operating schedule with the new conditions attached in Appendix 1 of the report. This was confirmed by the Applicant and his representative.

Appendix 2 of the report contained information in relation to the interested parties who had made representations to this application.

Mr Tony Dales, representing the Applicant provided the Sub-Committee with background information on how the business would operate. He advised the Sub-Committee that a Due Diligence folder would be provided as part of the training package he will deliver to the Applicant and his staff. This sets out all of the information required to ensure the licensing objectives are adhered to and is to be kept behind the counter and fully updated with relevant paperwork should any agencies such as the police wish to view documents if they visited the store. It would also help with staff training for existing and new employees.

Mr Dales stated that he felt there was clear evidence that the licensing objectives were met and the store was being refurbished to a high standard to provide a high quality service to the local community. It was estimated that only 20% of sales would be alcohol related goods.

Photographs circulated to the Sub-Committee showed the parking restrictions in front of the premises, whilst a map of other stores and relevant properties in the area was presented to deal with concerns raised by the representors, that the application may impact on vulnerable people from places such as the Salvation Army centre.

Mr Dales advised that the reference to GMP Operation Pevek was misleading and whilst happy to accept the GMP conditions in the report, the Applicant would accept prohibiting the single sale of certain alcohol products.

Councillor Walmsley in her role as a representor at the meeting provided clarity why Operation Pevek had been listed in the representation which was in relation to the area and not directed solely at the business.

The Applicant, Mr Ahmed Gul provided the hearing with background information as to how long he had lived in the community and his aspirations to improve the area transforming the store into a clean modern community asset, selling a range of convenience goods. He advised that was aware of how important it was to not sell alcohol or tobacco goods to those underage and would do all he could with additional signage to promote responsible parking on the surrounding road network.

Representations were made by Councillor Walmsley on behalf of herself and fellow ward Councillors Boles and Peel, that they supported new businesses but felt a licence for these premises would be of detrimental to the area. Information regarding parking issues around the store was provided and it was suggested that these matters impacted on public safety along with crime, disorder and nuisance. Signage to avoid bad parking and litter conditions seemed to have made little difference at nearby take away premises.

The Licensing Unit Manager advised that parking was not a matter to take into consideration for licensing matters. It was also reported that the Council does not have a cumulative impact policy/assessment in place for Bury and the Council's legal representative concurred with this information.

Mr Gul added that in relation to deliveries, a neighbouring shop had been approached and he would be able to use their loading bay area. A high-quality CCTV system could also be utilised by relevant departments to tackle dangerous parking and he would remind customers in the store or parking responsibly.

The Sub-Committee then duly retired to consider the application.

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:

a) the prevention of crime and disorder

- b) public safety
- c) the prevention of public nuisance
- d) 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 April 2018

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

Delegated decision

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding all of the representations and assurances made by the Applicant and in view of the agreement reached between the Applicant and the Responsible Authority (GMP), the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed unanimously, to grant the application for a Premises Licence, subject to the conditions proposed by GMP in the report (Appendix 1) being attached to the Licence together with the matters set out within the Operating Schedule within the application, where they are not otherwise covered by the conditions at Appendix 1; along with an additional conditions which was suggested and accepted by the Applicant and his representative, namely;

- No single receptacle sales of beer, lager and cider will be permitted.
- No beer, lager or cider shall be sold from the premises that has strength rate of 6.5% ABV and above.

TO PREVENT CRIME AND DISORDER

Conditions to be applied :-

- The premises 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. disks / 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 is to provide the police with the contact details of at least one other

member of staff (or other person(s)) who is 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 / Designated Premises Supervisor must notify the Local Authority licensing office or the Police in the event of CCTV breakdown as soon as is reasonably practicable and in any event within 24 hours. A weekly maintenance check will be conducted and recorded. In the case of a breakdown or malfunction the premises licence holder / designated premises supervisor shall make sure that the CCTV is in working order as soon as practicable.

- 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.

- Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.

- At least one personal licence holder will be available /contactable at all times that alcohol is on sale.

- 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 made available for inspection by a police officer or other authorised officer on request.

- No alcoholic drink shall be removed from the premises in an unsealed container.

- The premises will adopt a zero tolerance drugs policy, delivered by the Premises Licence holder / designated premises supervisor. The policy will be supported with staff training and appropriate signage displayed.

PUBLIC SAFETY

- Alcohol may only be sold in sealed containers.

- Alcohol may not be sold to any person who appears to be intoxicated. (intoxicated by way of means other than alcohol)

PREVENTION OF PUBLIC NUISANCE

- 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 2300 – 0700 where such disposal or collection is likely to cause disturbance to local residents.
- The designated premises supervisor will ensure that a member of staff collects all litter from the curtilage of the premises every day after trading. A written record will be kept of the areas checked and made available to the responsible authority for inspection on request.
- 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.

THE 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 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 / incident 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 and record the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.
- The premises will display a proxy notice in a prominent position explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

COUNCILLOR T HOLT
Chair

(Note: The meeting started at 1.00pm and ended at 2.41pm)