

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 22 March 2022

Present: Councillor T Holt (in the Chair)
Councillors J Grimshaw and Y Wright

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

Public Attendance: Mr A Rind (Applicant)
Mr C Grunert (Applicants Representative)
Mr A Lonsdale (Representor)

1 APOLOGIES FOR ABSENCE

There were no apologies for absence submitted.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Panel held virtually at 12.30pm on the 27th January 2022 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held virtually at 12.30pm on the 27th January 2022 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF THE WHISKY STOCK, FAITH HOUSE, JAMES STREET, RADCLIFFE, M26 1LN

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in relation to The Whisky Stock, Faith House, James Street, Radcliffe, M26 1LN. Representations had been received from a Responsible Authority, namely Greater Manchester Police (GMP) and 3 interested parties, namely members of the public.

The Applicant in respect of the above premises is The Whisky Stock Limited, Britannic House, Sterling Way, Borehamwood, WD6 2BT. The Designated Premises Supervisor (DPS) is Menachen Mendal Brackman, 1 Wilton Avenue, Prestwich, Manchester, M25 0HD.

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 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.

The proposed operating schedule requested was as follows:

Supply of Alcohol - For consumption Off the Premises

Monday to Sunday 07.00 until 21.00

Hours open to the Public

Monday to Sunday 07.00 until 21.00

The Licensing Manager clarified that a paragraph within the report should be removed which stated conditions contained in the operating schedule submitted by the Applicant were contained at Appendix 1.

It was also reported that GMP had been mediating during the representation period with the Applicant prior to the hearing and they have agreed and accepted the conditions contained at Appendix 1.

The Licensing Manager presented the report and noted that Appendix 2 of the agenda pack contained information in relation to the interested parties who had made representations to this application, in addition to GMP.

It was reported that a written statement had been circulated to Members of the panel prior to the hearing from Mr Grunert the solicitor representing the Applicant.

The Licensing Manager confirmed with Members that a video clip which had been emailed with the agenda pack had been viewed by all.

The Licensing Unit Manager then sought clarification from Mr Grunert on behalf of the Applicant, as to the details of the current application as it was noted that the written statement made reference to a change in the proposed hours of the licence, additional conditions and also to agreement having been reached with GMP as to further additional conditions. Mr Grunert confirmed to the Sub-Committee that the proposed operating schedule set out in the original application had been amended and the new hours of operation are as follows:

Supply of Alcohol - For consumption Off the Premises

Monday to Sunday 09.00 until 17.00

Hours open to the Public

Monday to Sunday

09.00 until 17.00

Mr Grunert then provided the meeting with an overview of the business which was aimed at the online sale of high quality spirits. He stated that the 3 Directors were local to Manchester and that no large HGV's would be required in association with this business and loading/unloading would be conducted in the private car park. The problems with HGV's that had been referenced in the representations from members of the public, he stated were linked to another business at the location although that company would hopefully be relocating with the next 6 months. There would be no public footfall at the Whisky Stock, sales would be online, with physical sales conducted with trade only customers. The Challenge 25 scheme would be in operation and the Applicant had tried to consider the representations and put in changes designed to deal with the concerns and not compromise against the business requirements.

The Council's legal representative sought further clarification that the proposed new hours are now part of the application and that sales could only be undertaken during that period and so packing of items ordered online for picking, packing and dispatch could only occur during this time. Mr Grunert confirmed that the change of hours and all the proposed conditions were acceptable and that it was understood that the licenced hours were for appropriation of sales.

Members of the panel were invited to ask questions of the Applicant and raised concerns to the photographs and video clip circulated with the agenda pack showing a number of different HGV's parking on residential streets and blocking driveways to a number of houses.

Mr Grunert went on to confirm that only smaller transit-type vehicles would be used for collection and dispatch from the Whisky Stock. This would be done in the carpark and only during the proposed hours of business.

Mr Rind a Director spoke on behalf of the Applicant and confirmed these were linked to an existing business at the location, of which he was also a director. He provided some background information on why this may occur when 2 HGV's were already at the site. He also confirmed that the proposal is to move that business to another location in the coming months.

Mr Lonsdale, a representor who was in attendance enquired as to what might happen if the business moves and another company moves onto the site. Mr Rind stated he was unable to say. He then confirmed he had no further questions and no further comments other than to state that he was happy with the amended operating hours and the smaller vehicles to be allowed onto the site, which would help with his children's routine as part of their family life. He noted that the situation with vehicles had improved.

All parties were invited to sum up.

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 the representations and assurances made by the Applicant and in view of the amended hours, additional conditions proposed and the agreement reached for further conditions to be added to the application, 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, that the Sub-Committee grant the application for the Premises Licence, for the sale of alcohol for consumption off the premises for the amended hours of 9.00am to 5.00pm Monday to Sunday, subject to the conditions proposed by GMP in the report (Appendix 1) being attached to the Licence together with the additional conditions added by the Applicant and listed in the letter circulated prior to the meeting, namely;

- All courier vehicles will be loaded and unloaded within the premises' private car park.
- Courier vehicles will not knowingly be permitted to park on Lodge Close.
- Courier vehicles servicing the Whisky Stock shall be limited to 'Light goods vehicles' (3.5 tonnes max gross weight) class only

In addition, it agreed that the following conditions to be applied :-

- The premises are 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 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 as soon as is reasonably practicable and in any event within 24 hours.

- 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.
- No person will be able to purchase products of any alcoholic nature in person at the site, all purchases from the premises will be made via online sales.
(DRAFT)
- When alcohol is purchased online and delivered to a customer's address. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being 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 parcel must be marked as age restricted. The parcel cannot be delivered unless signed for by a person over the age of 18. The customer must be made aware at point of order that a person over the age of 18 must sign for the delivery or the products will be returned to the point of sale.
- The above criteria [condition 4] will be highlighted on the company terms and conditions.

COUNCILLOR T HOLT
Chair

(Note: The meeting started at 11.00am and ended at 12.16pm)