

**Minutes of: LICENSING HEARING SUB COMMITTEE**

**Date of Meeting:** 15 November 2022

**Present:** Councillor G McGill (in the Chair)  
Councillors J Grimshaw and G Marsden

**Also in attendance:** A. Green (Legal)  
M. Bridge (Licensing)  
M. Cunliffe (Democratic Services)  
J Clarke- JMC Licensing Consultants (Applicants Representative)  
PC P. Eccleston- Greater Manchester Police (Representor)  
I Oldman- Bury Times (Press)

**Public Attendance:** The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance.

**Apologies for Absence:** B Thomson- Head of Public Protection, L Jones- Deputy Licensing Officer and Mr F Qasmpwr- Applicant

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**1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted from B Thomson- Head of Public Protection, L Jones- Deputy Licensing Officer and Mr F Qasmpwr- Applicant

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3 MINUTES OF THE LAST MEETINGS**

The minutes of the last Licensing Hearing Sub Committee meetings held at 3.30pm on the 14<sup>th</sup> September 2022 and 1.00pm on the 6<sup>th</sup> October 2022 were attached to the agenda.

**Resolved:- That the minutes of the Licensing Hearing Sub Committees held at 3.30pm on the 14<sup>th</sup> September 2022 and 1.00pm on the 6<sup>th</sup> October 2022 be approved as a correct record.**

**4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF EXPRESS MINI MARKET, 46 BOLTON STREET, BURY, BL9 0LL**

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Express Mini Market, 46 Bolton Street, Bury, BL9 0LL. The applicant for the licence and the proposed

Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Faraydn Qasmpwr, 156 Deane Road, Bolton, BL3 5DL.

At the time of the meeting taking place, the applicant did not hold a personal licence under the Licensing Act 2003 but an application had been made to Bolton Council.

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 this was included as appendix 1 in the agenda packs.

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

- Supporting evidence from the applicant's representative which included crime data figures and photographs around the store and surrounding area.
- A witness statement provided by PC P. Eccleston of Greater Manchester Police which included incidents in the area around the shop and recent communications which the applicant.
- The proposed conditions that had not been included in the agenda report pack.

The proposed operating schedule showed the following:

- a. Supply of alcohol – For consumption Off the Premises.

Sunday to Thursday	06:00 to 23:00
Friday to Saturday	06:00 to 00:00
- b. Hours open to the Public

Sunday to Thursday	06:00 to 23:00
Friday to Saturday	06:00 to 00:00

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.

Ms June Clarke, representing the applicant provided the Sub-Committee with information that the premises would amend the closing time from midnight to 11.00pm on a Friday and Saturday night and accept some of the further conditions provided by GMP if the application was approved.

Ms Clarke described the location of the shop on Bolton Street and its proximity to the town centre and the number of other off licences in the BL9 postcode area. 54 licensed retail premises are classed under this postcode and since 2005 there had been 6 reviews, 12 licences surrendered, 18 have no conditions and 5 have light comprehensive conditions with some unenforceable.

It was reported by Ms Clarke that the premises would adhere to conditions and she provided a summary of these such as cctv, compliance log books, incident recording, age restriction checks, conflict management and the display of required notices.

Ms Clarke said a training kit would be provided for the premises to support conditions of the PSPO (Public Space Protection Order) in Bury town centre. She reported on crime data for the past 3 years which had been researched and had even telephoned public houses in the area for background information of any problems around the premises. Whilst understanding potential concerns, the store had been trading for some months and had not contributed to any problems in the area.

In relation to the extra conditions proposed by GMP, whilst 4 of these were acceptable the 2 conditions which would not be accepted by the applicant were:-

- Marking of alcohol beverage containers prior to being placed on display so that they can be easily identified as being purchased from the store.
- Person under the age of 16 years will only be permitted entry after 8pm if accompanied by an adult.

Ms Clarke reported that 54 shops don't have these conditions imposed on them and many young people under 16 don't carry identification and may wish to buy a loaf of bread for their family after 8pm. She felt that conditions should be evidence based and proportionate.

A comparison was made to other licensed venues close by and that customers could leave those premises later than midnight with open drink vessels as there was no door staff supervision.

Photographs were also provided of back alleys in the local area which displayed trade waste bins and skips to illustrate that there is access to open weapons and the marking of containers for bottles at the store was not required and was labour intensive for staff.

PC Eccleston asked for clarification on how and when the photographs had been taken. It was reported that these had been obtained online by street view and whilst one photo was dated August 2022, another was 4 years old with the rest taken 2 years ago. PC Eccleston suggested that some of these may be out of context if for example it was bin collection day for that area.

PC Eccleston addressed the panel on behalf of the GMP representations and stated that the premises was located on a main route for footfall in and out of the town centre during the night time economy on a Friday and Saturday evening. Within 300 yards there were 15 other licensed bars and clubs and the store fell within the PSPO. A midnight closure would potentially pose problems with drinking on the street, sales to drunk customers and glass products being used as weapons which was a risk to public safety.

The location was close to frequent flash points of disorder in the town centre where many flash points occur and this year there had been 10 recorded incidents. One of these incidents involved an assault with a glass bottle and there was a fear that discarded containers could be used as weapons.

Other concerns raised were that the premises was located near to a residential area of flats and those customers buying a bottle of wine to enjoy at home in the evening would more likely visit the local supermarket rather than venture into the town centre to purchase such products. The worry was that the customer clientele on a Friday and Saturday evening would cause inconsiderate behaviour and could lead to safety concerns for those working in the store. Refusal to sell alcohol due after licensing hours could escalate situations and both Asda and Tesco which are within walking distance employ security staff.

PC Eccleston reported he had visited the store to make communications with the owner and express his concerns and there had been no mention of the earlier closure of 11.00pm.

Ms Clarke asked about the time range of reported incidents around Tiger Bar and the earliest took place at 11.30pm until around 3.30am.

Ms Clarke provided PC Eccleston with information that Tesco had a 24-hour licence along with 4 other shops in the vicinity of the premises and 2 companies in the area can deliver alcohol to your door 24 hours a day.

Ms Clarke also questioned PC Eccleston on the 9.00pm start time of the night time economy and reported that the policy states 11.00pm.

On summing up PC Eccleston felt that closing at 11.00pm on a Friday and Saturday instead of midnight would still pose a risk to public safety and for staff working at the premises. It may also impact on town centre safety schemes such as Best Bar None and the Purple Flag accreditation.

Ms Clarke ended that consideration should be evidenced based and appropriate to the licensing objectives and felt it was unfair to add all the conditions to the premises and felt there were very little problems in Bury town centre.

The Licensing Manager confirmed the working of the PSPO as stated on the Council's website.

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's representative and in view of the part-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, to grant the application for a Premises Licence, subject to adoption of the following 4 out of the 6 extra conditions proposed by GMP in the report which were accepted by the applicant (Appendix 1),

- Notices to be placed inside and in a prominent place at the front of the store advising customers / members of the public not to loiter outside the premises.
- Premises licence holder to ensure the area immediately outside the premises is kept clean and tidy.
- No alcoholic beverages to be displayed in the window of the premises or in close proximity to the front entrance.
- Refrigerated alcoholic beverages to be located next to premises serving counter.

being attached to the Licence together with the matters set out within the Operating Schedule within the application, along with an alteration to reduce the proposed operating schedule as follows:

- a. Supply of alcohol – For consumption Off the Premises.
  - Sunday to Thursday 06:00 to 23:00
  - Friday to Saturday 06:00 to 23:00
- b. Hours open to the Public
  - Sunday to Thursday 06:00 to 23:00
  - Friday to Saturday 06:00 to 23:00

The Licensing Unit Manager concluded that until the applicant had a personal licence granted, (Subject to application made by the applicant to Bolton Council) they would not be able to sell alcohol.

Operating Schedule Conditions to be applied :-

### General

#### CCTV

- 1.1 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.
- 1.2 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.
- 1.3 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.

- 1.4 The premises licence holder / 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.
- 1.5 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

#### The Prevention of Crime and Disorder

2. 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.
3. 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.
4. The Designated Premises supervisor / personal licence holder will be available /contactable at all times that alcohol is on sale.
5. An incident book/register shall be maintained to record:
  - i. All incidents of crime and disorder occurring at the premises.
  - ii. Details of occasions when the police are called to the premises.
6. This book/register shall be made available for inspection by a police officer or other authorised officer on request.
7. No alcoholic drink shall be removed from the premises in an unsealed container.
8. Alcohol may only be sold in sealed containers.
9. Alcohol may not be sold to any person who appears to be intoxicated.

#### The Prevention of Public Nuisance

10. 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.
11. 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
12. 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

13. 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.

14. 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.

#### **Police Conditions**

- ~~Marking of alcohol beverage containers prior to being placed on display so that they can be easily identified as being purchased from the store.~~ Not attached by LHSC
- Notices to be placed inside and in a prominent place at the front of the store advising customers / members of the public not to loiter outside the premises.
- ~~Person under the age of 16 years will only be permitted entry after 8pm if accompanied by an adult.~~ Not attached by LHSC
- Premises license holder to ensure the area immediately outside the premises is kept clean and tidy.
- No alcoholic beverages to be displayed in the window of the premises or in close proximity to the front entrance.
- Refrigerated alcoholic beverages to be located next to premises serving counter.

**COUNCILLOR G MCGILL**  
Chair

**(Note: The meeting started at 10.30am and ended at 12.40pm)**