

REPORT FOR DECISION

DECISION OF:	LICENSING HEARINGS PANEL
DATE:	14th SEPTEMBER 2020
SUBJECT:	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
REPORT FROM:	EXECUTIVE DIRECTOR (OPERATIONS)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report relates to an 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 in respect of which representations have been received.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To grant the application in the terms requested • To grant the application subject to conditions • To amend or modify existing or proposed conditions • To refuse the application
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
Wards Affected:	Unsworth
Scrutiny Interest:	Internal Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

2.0 BACKGROUND

- 2.1 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).
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.
- 2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
 - the prevention of crime and disorder
 - public safety
 - prevention of public nuisance and
 - protection of children from harm

3.0 THE APPLICATION

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

The operating schedule shows the following:

- a. Supply of alcohol – For consumption Off the Premises only.
Monday to Sunday 07.00 until 23.00
- b. Opening Times.
Monday to Sunday 07.00 until 23.00

4.0 OTHER REPRESENTATIONS

All the representations were received before the end of the objection period.

4.1 One interested party has made a relevant representation to this application are detailed below:-

- Will cause disruption
- Anti-social behaviour of patrons

4.2 The Licensing Authority have received 73 individual letters in support of the application

4.3 These representations are attached at Appendix 2.

5.0 OBSERVATIONS

5.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

List of Background Papers:-

Application form
Representation received
Plan

For further information on the details of this report, please contact:

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury
Telephone No: 0161 253 5208
Email: m.bridge@bury.gov.uk

Application for a new premises licence

Myles Local, 2a The Parade, Rufford Drive, Whitefield, Bury M45 8PL

Operating schedule/proposed licence conditions

Introduction

This is a small and well-established shop situated within a parade of various shops currently trading as a convenience store/post office selling a range of goods including groceries, soft drinks, cigarettes, dairy goods, newspapers etc.

The applicant (new owner) would just like to add some alcohol sales to allow the business to develop and offer the complete all-round convenience service. The focus of the shop will continue as a general convenience store with the proposed alcohol sales would just be a small part of the overall business.

A detailed and robust operating schedule is proposed to promote the licensing objectives;

Prevention of crime and disorder

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.

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

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.

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.

Spirits will be kept behind the counter.

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.

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.

A notice advising customers of the refusals policy shall be on display.

'Crimestoppers' promotional material will be on display to promote the initiative.

Public safety

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.

Prevention of public nuisance

Deliveries to the premises will be arranged so as not to cause will not lead to any public nuisance.

Notices shall be on display in the premises asking customers to leave the premises quietly.

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.

Protection of children from harm

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.

A refusals register (for the sale of alcohol) will be kept and be available for inspection by responsible authorities.

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.