



Classification	Item No.
Open / Closed	

Meeting:	LICENSING HEARINGS PANEL
Meeting date:	5 th January 2021
Title of report:	APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF TOTTINGTON FOOD AND WINE, 72 MARKET STREET, TOTTINGTON, BL8 3LJ
Report by:	EXECUTIVE DIRECTOR (OPERATIONS)
Decision Type:	Council
Ward(s) to which report relates	Tottington

Executive Summary:

Recommendation(s)

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Tottington Food And Wine, 72 Market Street, Tottington, BL8 3LJ

OPTIONS & RECOMMENDED OPTION Options

- 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

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

Community impact / Contribution to the Bury 2030 Strategy

Not Applicable

Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	.

Consultation:

Not applicable

Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

There are no specific issues from the report other than potential costs/risks associated with legal appeals

Report Author and Contact Details:

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

Background papers:

Application form
Representation received
Plan

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
DPS	Designated Premises Supervisor

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 INTRODUCTION

- 2.1 The applicant for the licence in respect of the above premises is Mr Amandeep Singh Malhotra, 971 Manchester Road, Bury, BL9 8DN. Mr Malhotra 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.
Monday to Sunday 08.00 until 21.00
All public and Bank Holidays 08.00 until 23.00
- b. Opening Times.
Monday to Sunday 08.00 until 21.00
All Public and Bank Holidays 08.00 until 23.00

4.0 REPRESENTATIONS FROM GEATER MANCHESTER POLICE

- 4.1 Greater Manchester Police submitted a representation in relation to this application which they request the Panel to not grant the application in its current form. Greater Manchester Police have requested conditions are attached at Appendix 1.
- 4.2 Greater Manchester Police have mediated with the applicant prior to today's hearing and they have accepted the proposal.

5.0 REPRESENTATIONS FROM INTERESTED PARTIES

5.1 4 interested parties have made a relevant representations to this application are detailed below:-

- Alcohol related anti-social behaviour
- Parking
- Other alcohol outlets in the area.
- Noise Nuisance
- Children trying to obtain alcohol
- Close proximately to the school

5.2 These representations are attached at Appendix 2.

6.0 OBSERVATIONS

6.1 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.

Appendix One

- 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 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 licensing office or the Police in the event of CCTV breakdown as soon as is reasonably practicable and in any event within 24 hours. 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
- Alcohol may only be sold in sealed containers.
- Alcohol may not be sold to any person who appears to be intoxicated.
- 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.

- 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 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.

Appendix 2

From: parton.me.uk [mailto:warren@parton.me.uk]
Sent: 10 November 2020 16:28
To: Licensing <Licensing@bury.gov.uk>
Subject: Tottington Food and Wine - Retail Sale/Supply Of Alcohol - Licensing Application

Dear Sir/Madam,

I would like to make an observation against the granting of Licensing for the Sale/Supply of Alcohol at Tottington Food and Wine , 72 Market Street, Tottington, Bury BL8 3LJ.

As neighbours living on the adjacent Spring Vale Drive/Close the granting of this license will impact us and the relatively late opening hours could contribute to alcohol related anti-social behaviour within the area. Also we are already experiencing parking problems within Spring Vale Drive/Close and as there is no parking provided outside Tottington Food and Wine we are concerned that the late opening ours of this establishment will result in more traffic and parking issues late into the evening.

Within Tottington village we already have the Co-Op, the new SPAR garage and Bargain Booze further down Tottington Road - all selling alcohol late into the evening and the residents of Tottington feel there is no requirement for another establishment providing Retail Sale/Supply of Alcohol.

Best Regards

Warren Parton
Director

From: Fulham, Margaret
Sent: 10 November 2020 14:17
To: Licensing <Licensing@bury.gov.uk>
Subject: Objection

My phone number is [REDACTED] My address is 25 Hilda Ave, Tottington.

I wish to object to the application by Tottington Food and wine 72, Market St, Tottington for a licence to sell alcohol. My reasons are that the shop sits in between 2 large stores (Co-op and Spa) which both sell alcohol, and therefore there is enough provision in the area.

The shop has no parking and may create traffic issues as the Library, opposite is private parking. This would potentially create a hazard on the main road., which is quite narrow to begin with.

There is a residential estate immediately behind the shop and opening hours of 8.00 until 11.00 could create a noise nuisance for them if people start to park on market street late at night, or worse still, use their estate as a cut through.

The co-op is also open until 11.00 at night, and this is enough.

The shop, which is in very close proximity to Tottington High School sells a huge amount of snacks, sweets and pop, which is likely to attract youths/school children. They may well then use the shop to try and procure alcohol, or in their attempts to try, start to hang around and become a nuisance. A little shop is far less likely to be able to deal with this than the larger supermarkets in Tottington.

Given the shop's size and, when I have been in there is only one member of staff, it will potentially encourage theft of the alcohol.

-----Original Message-----

From: Malcolm [mailto:malcolmarmstrong007@btinternet.com]
Sent: 10 November 2020 19:15
To: Licensing <Licensing@bury.gov.uk>
Subject: Tottington food and wine

Re: license to sell alcohol at 72 Market Street

I see no added value to the residents of Tottington village with the provision of yet another source of alcoholic beverage.

Youngsters will congregate on the adjacent steps. This will obviously attract others from outside the area most likely resulting in antisocial behaviour in an otherwise very tranquil village.

Once a license is granted I predict it will never be rescinded, no matter what problems have arisen.

Also not quite sure why the windows are opaque, this does not blend with the others shops in this vicinity.

Malcolm Armstrong

From: sallyarmstrong44@gmail.com [mailto:sallyarmstrong44@gmail.com]
Sent: 10 November 2020 12:04
To: Licensing <licensing@bury.gov.uk< a="">><licensing@bury.gov.uk>>
Subject: Re licence to sell alcohol

To The licensing unit manager

This is regarding a request for a licence to sell alcohol at new shop called Tottington food and wine by Amandeep Singh Malhotra. Located at 72 Market street. Tottington.

I feel this is not appropriate as the shop is very close to Tottington High School. The windows are also covered so no one can see any transactions taking place.

There is a Co-op and Spar in tottington should people wish to purchase alcohol.

Also it is located on a corner of a residential close so any gatherings of youngsters would be anti social.

Many thanks

Sally Armstrong