

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 16 June 2021

Present: Councillor S Walmsley (in the Chair)
Councillors J Grimshaw and J Lewis

J Witkowski (Legal)
M Bridge (Licensing)

Also in attendance: PC G Scott (GMP)
Mr K S Ahmed (Applicant)
Mrs J Clarke (Applicant's representative)

Public Attendance: The Hearing was live streamed via the Council's website and 3 members of the public were in attendance via MS Teams

Apologies for Absence: B Thomson

1 APOLOGIES FOR ABSENCE

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 BURY OFF LICENCE, 319 BOLTON ROAD, BURY, BL8 2PD

The Licensing Authority received an application for a premises licence for Bury Off Licence, 319 Bolton Road, Bury, BL8 2PD from Mr Khalil Salim Ahmed, Flat 2, 114-118 Deane Road, Bolton, BL3 5DL, under Part 3 of the Licensing Act 2003.

Prior to the Hearing, the Licensing Authority received relevant representations pursuant to the Licensing Act 2003, from a Responsible Authority, namely Greater Manchester Police (GMP), and a number of other interested parties.

All written representations and other documentation was contained within the written submissions provided with the report to the Sub-Committee and was served on all parties in advance of the hearing.

The proposed operating schedule shows the following:

- a. Supply of alcohol – For consumption off the Premises.
Sunday to Thursday 07.00 until 23.00
Friday to Saturday 07.00 until 00.00
- b. Opening Times
Sunday to Thursday 07.00 until 23.00
Friday to Saturday 07.00 until 00.00

The Licensing Unit Manager presented a report that stated that GMP, as a Responsible Authority, 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 operating schedule with the new conditions attached in Appendix one of the report. This was confirmed by the applicants representative and PC Scott.

The report to the Sub-Committee went on to state that four interested parties had made relevant representations to this application and a petition containing 183 signatures had been submitted. The Licensing Manager read out the representations which were also detailed in the report in Appendix two.

Members were reminded to take into account section 19.0 of the Council's Statement of Licensing Policy in relation to petitions. It was noted that additional documents had been circulated to Members prior to the meeting which detailed the support for the representations against the premises licence application for 319 Bolton Road. The Council's legal representative requested that Mr Robson who was representing an interested party, explain their relevance due to the reference to various the conditions suggested in the paper.

During the Sub Committee, Members heard representations from Mrs Clarke who was representing the applicant, Mr Ahmed. She provided background information regarding the reasons for a second application had been submitted due to the first public notice not being displayed for the correct timescale initially. She went on to explain that only the second application had attracted representations. It was confirmed that Mr Ahmed had a personal licence granted by Bolton Council in May and Mrs Clarke outlined his plans for the shop after taking over the lease. No problems had been reported in terms of anti-social behaviour and a cctv system was installed.

Mrs Clarke asked if one of the representations had been withdrawn and stated that the other two objections were based on the need in the area for a further premise selling alcohol and general concerns which were not directly related to the application and should be discarded.

Clarity was sought by the Council's legal representative on the updated conditions submitted by GMP and Mrs Clarke confirmed that they were happy to accept all of these. The applicant Mr Ahmed was provided with an opportunity to address the Sub Committee but had nothing further to add. Mrs Clarke summed up by that via the assistance of GMP all licensing objectives had been met and there was no evidence to support the concerns raised by the representations and asked for the licence to be granted as per the hours proposed.

Mr Robson who was representing one of the interested parties, asked Mrs Clarke about the extensive risk assessment that had taken place and that this supporting evidence was not available to view. He also commented that the Council's model policy conditions had not been included in the application by the applicant. Mrs Clarke replied that the conditions listed were sufficient to support the licensing objectives.

Mr Robson stated that none of the interested parties are associated with his client and went on to explain that his client has a store near to the premises. He stated that his client has had concerns regarding anti-social behaviour and underage drinking in the area and another alcohol outlet would exacerbate the problems. Further representations were made regarding additional and other conditions being attached to the licence.

PC Scott representing GMP confirmed via police contacts that there were no reported problems in the area for underage drinking.

The Panel 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 made, and in view of the agreement reached between the Applicant and the Responsible Authority, 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 following conditions being attached to the Licence;

- The premise 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.
- The Designated Premises supervisor / 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 are 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.

COUNCILLOR S WALMSLEY

Chair

(Note: The meeting started at 12.00pm and ended at 2.09pm)

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