



Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	21 st October 2021
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Shop Local A-Z, 58 Walmersley Road, Bury, BL9 6DP
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	Moorside

Executive Summary:

Recommendation

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Shop Local A-Z, 58 Walmersley Road, Bury, BL9 6DP.

Options & recommended option

- 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:

A GM-wide Equality Impact Assessment has been undertaken and a copy is available on request.

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.*

The public sector equality 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

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

Term	Meaning
DPS	Designated Premises Supervisor

Background papers:

Application form
Representation received
Plan

1.0 BACKGROUND

1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are 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 Ahmed Ullah Gul of 19 Royal Avenue, Bury, BL9 6NQ. He 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 to 23:00

b. Hours open to the Public

Monday to Sunday 07.00 to 23.00

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

4.1 Greater Manchester Police have been mediating during the representation period with the applicant prior to today's hearing and they have accepted the conditions contained at Appendix 1.

5.0 REPRESENTATIONS FROM INTERESTED PARTIES

5.1 Four interested parties have made a relevant representations against this application and a summary is detailed below:-

- Crime and anti-social behaviour
- Parking
- Litter

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 1

TO PREVENT CRIME AND DISORDER

Conditions to be applied :-

- The premises is 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 Local Authority licensing office or the Police in the event of CCTV breakdown as soon as is reasonably practicable and in any event within 24 hours. A weekly maintenance check will be conducted and recorded. 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.
- The premises will adopt a zero tolerance drugs policy, delivered by the Premises Licence holder / designated premises supervisor. The policy will be supported with staff training and appropriate signage displayed.

PUBLIC SAFETY

- Alcohol may only be sold in sealed containers.

- Alcohol may not be sold to any person who appears to be intoxicated. (intoxicated by way of means other than alcohol)

PREVENTION OF PUBLIC NUISANCE

- 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.
- The designated premises supervisor will ensure that a member of staff collects all litter from the curtilage of the premises every day after trading. A written record will be kept of the areas checked and made available to the responsible authority for inspection on request.
- 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

- 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.
- The premises will display a proxy notice in a prominent position explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

Appendix 2

Representation 1

To whom it may concern,

I am opposing the application to allow a shop to sell alcohol New Premises License Application from 7am to 11pm, Monday to Sunday, at Shop Local A-Z, 58 Walmersley Road.

As a member of the community I see daily the continued hazard at the bottom of walmersley Rd with the parking for all the take away shops. It is already a serious accident waiting to happen. It also causes large groups of people congregating Along the main road and lots of litter and pests.

To allow a shop selling alcohol is going to increase traffic and footfall to an area that already has limited space and parking.

My 12 year old daughter walks to school passing these shops which does worry me already and the thought of more traffic and undesirable people would prevent from her being able to walk freely in her home town as I would see this a too much of a risk if this goes ahead. We should feel safe in our own town. I hear more and more of people wanting to move out of this area due to these issues and this should not have to happen as the issues needs tackling or you will loose good members of this community and be left with a undesirable area.

The local authority provides the cold weather provision that has been used at the building at the bottom of walmersley rd and the salvation army which is not far from this area. Selling alcohol at these times in this area is a risk to vulnerable people who may be on a pathway of recovery. This temptation is too much! We have many half way houses/Accomadation and a bail hostel in walmersley. Why is it walmersley that is placing all these types of provision? I'm sure these premises would not be allowed in Greenmount!

The bottom of walmersley rd is looking like Cheetham Hill these days and if you do not take action this part of the town is going to be ruined.

Please reject this application on grounds of safety, crime and community. Take action and stop all these undesirable shops and takeaways from opening up. They are used a money laundering and drug dealing. We do not need all these take aways.

Representations 2, 3 and 4

We are writing to formally object to the licensing application for Shop Local A-Z, 58 Walmersley Road, Bury. To be clear, we fully support businesses in Moorside ward and encourage them to thrive. However, we believe businesses should operate in a way that helps to promote the local environment and community and, where

licensing applications are submitted, promote the Licensing objectives too and in this case, we do not believe the licensing objectives can be met.

The license is requested in an area which already suffers from higher-than-average levels of crime, disorder and antisocial behaviour. Indeed, the area has been included in the GMP Operation Pevek to tackle some of these issues. Whilst these problems go beyond the immediate vicinity of the shop, it is important to consider the licensing objective to *prevent* crime and disorder and we fear granting the license would do the opposite.

We have severe problems in this immediate location with illegal parking. This is a matter of record and one which we as councillors have been working on with Council officers and GMP, to stop it. The council is committed to exploring a red route option on this section of Walmersley Road, and GMP have carried out joint enforcement operations with NSL, but it is clear the illegal parking is prevalent due to the high number of shops in the area. Allowing licensable activities here will only add to this problem and go against what the Council, GMP and local residents are trying to achieve. With this in mind, we do not believe the licensing objectives of Public Safety and the Prevention of Public Nuisance can be achieved or promoted.

The Licensing Act promotes "safe, healthy and sustainable environments to live and work in" and whilst this may be true inside a licensed premises, the same cannot be said for the outside impact on the local community. In terms of the environment, this area suffers with large amounts of litter and granting the license could make this worse. We believe this goes against the principles of both the Licensing Act and the Environment Protection Act which promotes clean neighbourhoods.

The Licensing Act also asks that responsible Authorities consider the cumulative impact before granting a license. It is true that this area already has an abundance of shops and licensed premises, both selling alcohol for consumption on and off the premises. Indeed, we believe that granting the licence would add to the saturation of these premises in the area, leading to a loss of amenity for local residents. Whilst we appreciate Public Health matters are not subject to the licensing objectives, we also cannot ignore the effect an additional licensed premises would have on public health, specifically in relation to health and wellbeing.

Finally, a key aim of Bury's Licensing Policy is to ensure that licensed premises have a positive impact on their locality. Taking into consideration the high number of issues we have in this location, specifically with crime, antisocial behaviour, litter and nuisance, we believe granting the license will detriment not benefit the wider community and we ask the panel to reject the application.