



Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	23 March 2022
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of The Whisky Stock, Faith House, James Street, Radcliffe, M26 1LN
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	Radcliffe West

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of The Whisky Stock, Faith House, James Street, Radcliffe, M26 1LN.

Recommendation

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 the Whisky Stock Limited, Britannic House, Sterling Way, Borehamwood, WD6 2BT. The proposed Designated Premises Supervisor (DPS) is Menachen Mendal Brackman, 1 Wilton Avenue, Prestwich, Manchester, M25 0HD.

- 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 07:00 to 21.00

b. Hours open to the Public

Monday to Sunday 07:00 to 21:00

The conditions contained in the operating schedule submitted by the applicant are contained at Appendix 1.

4.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

- 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 AN INTERESTED PARTY

- 5.1 Three relevant representation, from three interested parties have been made against this application a summary of this is detailed below:-
- Noise
 - Large Heavy Goods Vehicles coming and going
 - Parking
 - Close to a primary school
 - Congestion

- Proposed opening hours
- Potential for Crime and Disorder
- Public Safety

5.2 The 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.

Appendix 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. 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 members of staff (or other person(s)) who are 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 or the 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.
2. 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.
3. No person will be able to purchase products of any alcoholic nature in person at the site, all purchases from the premises will be made via online sales. (DRAFT)
4. When alcohol is purchased online and delivered to a customer's address. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being 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 parcel must be marked as age restricted. The parcel cannot be delivered unless signed for by a person over the age of 18. The customer must be made aware at point of order that a person over the age of 18 must sign for the delivery or the products will be returned to the point of sale.
5. The above criteria [condition 4] will be highlighted on the company terms and conditions.

Appendix 2

Representation 1

I write in relation to the above factory located on James Street Radcliffe.

I object the plans for the following reasons.

I see under the plans a proposed operational working day has been suggested of 7am to 9pm, this being 7 days a week. I see a massive public safety issue here. Currently traffic gets extremely congested around the factory due to staff parking on the street and large HGV's collecting / delivering causing blockages to James Street. HGV's will drive into Lodge Close to reverse into the factory often parking on Lodge Close until they are able to enter the factory. This can cause massive congestion at times. It has also been known for HGV's to block James Street often double parking with cars completely blocking the road or even blocking private houses.

The volume of traffic in and out of the surrounding area is high due to the amount of private houses and also the school. My worry has always been public safety including that of children but also should either the house or school require the assistance from any of the emergency services the congestion would significantly delay the arrival of such service.

I also see the proposed opening hours to be a public nuisance to the local residential area.

We as local residents are working hard to combat crime at the moment with an increase in burglary's. I also worry that having a whiskey factory would encourage crime in the area.

Should you require any further information please contact me.

Representation 2

Good afternoon

I would like to raise an objection against the licensing application submitted by The Whiskey Stock.

My objection relates to the hours they wish to operate, specifically relating to their steps to promote public nuisance and public safety, to which, in their application, they have stated they will take no steps.

I have a 5-year-old autistic daughter with diagnosed sleep difficulties. Her bedroom is in the room opposite the factory and I am concerned that these operating hours are likely to have a detrimental effect on her sleep. Once she is woken by noise, she doesn't go back to sleep and this will affect her ability to learn in school as well as the effect on our family as when she is tired she is more prone to meltdowns. Unfortunately with autism it isn't just a case of 'changing her room' as she is very dependent on routine. In addition, I have an 8 year old son so I don't feel I should have to prioritise one child's sleep over the other.

In addition to this, we are already being subjected to extremely large vehicles coming and going. I have attached an example of a lorry that was parked across mine and my neighbour's drive just last week at 8.30am, which blocked my car in and I was unable to get my children to school on time as the driver had gone into the factory so I had to wait for him to come out and request he move the vehicle.

These vehicles are parked in this way on a daily basis and left unattended for a period of time. The factory that operates currently does not usually work weekends and the opening hours are certainly shorter than the opening hours being proposed by the Whiskey Stock. In addition to the lorries, on a daily basis, staff members are dropped off and picked up from the factory, for which, again, my driveway is used as a parking spot. Drivers will sit and wait for workers to finish their shift, blocking my drive while they do so.

I have also seen these lorries turning into Lodge Close to turn and then, driving over the pavement and then reverse into the factory as, since the residential estate was built, there is little room for the lorries to manoeuvre into the factory. Not long ago I had to report an issue with the pavement near the factory as it had actually collapsed from the weight of the lorries parking on it while waiting to get into the factory.

There is a primary school just round the corner, in addition to school drop offs and collections, the teachers regularly bring the children out and down James Street on short trips. It really does feel like a matter of time before there is a serious incident involving one of these vehicles.

Kind regards



Representation 3

Please Note that there is a Video Clip with this representation.

Re: Licensing notice reference 1236, Application number 70586, The Whiskey Stock, Faith House, James Street, Radcliffe, M26 1LN.

Good Afternoon

I am e-mailing to raise an objection to the above licensing application requested by The Whiskey Stock Ltd, proposing operating hours of 07.00 – 21.00.

Since the Faith House site has been established, a residential estate has been built directly opposite with the existing site now using the estate road as a means of dangerously and frequently reversing artic lorries into the factory site. I appreciate planning would have been granted for the factory prior to the estate being built, however, without the estate road (Lodge Close), large delivery vehicles would not be able to enter the site. Currently delivery vehicles drive into Lodge Close, reverse blindly across James Street and into the site. They are not able to drive in and out of the site in forward gear. They will continue to carry out the dangerous reversing manoeuvres they do so today with an even longer working window of 7am – 9pm if the license is approved. This is a risk to public safety.

St John's Primary School is on Johnson Street, the next street to Faith House and distribution between the hours of 7am – 9pm poses a public safety risk to those school children walking to and from school.

Secondly, as previously stated, there is a residential estate directly opposite the proposed site of which I am a resident. Operating hours of 7am – 9pm will cause a noise nuisance if deliveries/distributions/factory operations are allowed to take place during these hours. Several residents have young children who go to bed around 7pm.

Notwithstanding the above, this application is being submitted without any consultation/communications with residents whom for many years have been disrupted and put at risk by the factory deliveries and working hours, with no consideration for the resident's safety. I understand this is not a legal requirement of the notice process, however it would have demonstrated consideration for the residents if we had been informed of this intention. The licensing notice posted on site quotes no reference number for those who may wish to seek further detail on this application or indeed object and be able to do so easily.

The factory has been contacted by several residents with regards to these deliveries with promises of improvement which have never come to fruition. I note one of the Directors of The Whiskey Stock Ltd is also a director of Faith in Nature who currently reside at the site, leading to further concerns this lack of consideration with regards to noise nuisances and delivery vehicle manoeuvres will continue if this license is granted.

I have attached photos and a video to include with the above objection showing the existing delivery problems. The video was taken Friday morning and hopefully highlights my concerns are not just a one off scenario.

I'd be grateful if you could acknowledge receipt of my objection.

Kind Regards



