

Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	18 December 2024
Title of report:	Application for a Variation of a Premises Licence under the Licensing Act 2003 in respect of Village News, 477 Bury New Road, Prestwich, M25 1AD
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	St Marys

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Village News, 477 Bury New Road, Prestwich, M25 1AD.

Recommendation(s)

- To grant the variation in the terms requested
- To grant the variation subject to amendments
- To amend or modify existing or proposed conditions
- To refuse the application

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 is Venu Mandadapu, 40 Alfa Way, Great Sankey, Warrington, Cheshire, WA5 3YY and 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 variation 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 Where representations are made and not withdrawn Members are required to determine them.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 variation of a Premises Licence under Part 3 of the Licensing Act 2003:

Opening Times:

Monday to Sunday 00.01 to 00.00 (24 hours)

Supply of Alcohol (off the premises only):

Monday to Sunday 00.01 to 00.00 (24 hours)
Alcohol sold from 23.00 to 06.00 will be via a night hatch with no access to inside the premises.

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 The Public Health Service and Greater Manchester Police, in their capacity as Responsible Authorities, have made representations against this application.

4.2 These representations are attached at Appendix 2.

5.0 REPRESENTATIONS FROM INTERESTED PARTIES

5.1 Two representations have been received from interested parties in respect of this application.

5.2 These representations are attached at Appendix 3.

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.

7.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

7.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

7.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

7.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

7.0 CONCLUSION

7.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;

- the prevention of public nuisance; and
 - the protection of children from harm.
- 7.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 7.4 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.
- 7.5 In making its decision with regard to this variation hearing, the steps the Sub-Committee can take are:
- To grant the application in the terms requested
 - To grant the application subject to amendments
 - To amend or modify existing or proposed conditions
 - To refuse the application
- 7.6 All licensing determinations should be considered on the individual merits of the application.
- 7.7 The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.9 The Sub-Committee is asked to determine what steps, as set out above, are appropriate for the promotion of the licensing objectives.

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

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.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>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.</i>	

Assessment of Risk:

The following risks apply to the decision:

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

Consultation:

Not Applicable

Legal Implications:

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

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.

Report Author and Contact Details:

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

Mr M Bridge
Licensing Office
Town Hall
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

Background papers:

List of Background Papers: -
Application form
Representations received

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

Term	Meaning

Appendix 1

Operating Schedule submitted by the applicant

Prevention of crime and disorder

- 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.
- 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.

Public safety

- Alcohol may only be sold in sealed containers.
- Alcohol may not be sold to any person who appears to be intoxicated.

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 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.

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.

Condition consistent with the Operating Schedule for Variation October 2024

Prevention of Crime and Disorder

- A Night Hatch service will be installed at the front of the premises, whereby all customers shall only be served via a night hatch between the hours of 23.00 and 06.00 every day. The premises will remain closed during these hours until such time that a night hatch has been fitted.

Appendix 2

Representations from Responsible Authorities

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
We object to the following Application: Village News, 477 Bury New Road, Prestwich, M25 1AD	
Type of application. Variation to licence	
Application Number (if known):	

<i>Section 2 – Responsible Authority’s Details</i>	
Responsible Authority’s Details: Please tick appropriate box:	
<input type="checkbox"/>	Police
<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service

	Child Protection	
	Weights and Measures	
	Licensing Authority	
	Immigration	
X	Public Health Department	
Full name:	Lee Buggie	
Job Title:	Public Health Specialist – Healthy Place	
Tele number:	07428573549	
Email:	l.buggie@bury.gov.uk	
Address:	6 Knowsley Place, Bury, BL9 0EL	

Section 3 – Representations	
	We object to the application being granted at all
x	We object to the application being granted in its current form*
<p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</p>	
<p>You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).</p> <p>Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.</p>	

Section 3A – The Objectives	
To prevent crime and disorder	<p>Please state your reasons:</p> <p>There would be a percentage of the 1486 population within this Lower Super Output Area (LSOA) that would be directly impacted by 24-hour alcohol sales along with an already high saturation of premises already selling alcohol with a total of 43 sites.</p> <p>The LSOA ranks 2 in terms of crime decile (1 being the most deprived score, 10 being the least deprived decile) however it also has negative markers for Total Index of multiple deprivation(IMD) = 3 along with income deprivation effecting older people = 2 and a low rating against employment = 2.</p> <p>The LSOA is ranked 10/120 LSOA's for alcohol related crime (per 1000 of the population), Its rated 41/120 for alcohol related domestic crimes and its ranked 3/120 for all antisocial behaviour crimes.</p> <p>The LSOA ranks 1 for the highest level of alcohol rated crime/alcohol related domestic abuse and ASB crime as a total (Total crime).</p>
Public safety	<p>Please state your reasons:</p> <p>The LSOA ranks 60/120 for A&E attendances however it ranks high with 11/120 for alcohol related admissions, the total figure shows the LSOA ranks 1 for combined A&E attendances and alcohol related admissions.</p> <p>24-hour drinking will only exacerbate this trend or potentially give communities the opportunity to drink for longer periods.</p> <p>The LSOA ranks 17/120 for those receiving alcohol addiction and its ranked 1st out of 120 for highest numbers in treatment.</p>
To prevent public nuisance	<p>Please state your reasons:</p> <p>There are already 43 licensed premises in this Lower Super Output Area along with 3 gambling premises, these are significant counts compared to some other LSOA's and could lead to further addictions.</p> <p>The IMD Decile score for this location is 3 (1 being the most deprived and 10 being the least deprived decile), Crime is also ranked lower a 2.</p>
The protection of children from harm	<p>Please state your reasons:</p> <p>Income deprivation effecting children at a score 5/10, Public Health believe more money spent on alcohol given extended opening times will negativity impact on the lives of young people with care givers having greater access to alcohol sales.</p>

Section 3B – Suggestions/Further information	
Bury Public Heath would agree to licencing hours which span from 6am until midnight.	

Signed:  Dated: 09-11-24

N.B if you do make a representation, you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

Section 1 - Application Details

We object to the following Application:

Village News

477 Bury New Road

Prestwich

M25 1AD

Type of application.

Variation to Premises Licence.

Application Number (if known):

Section 2 – Responsible Authority's Details

Responsible Authority's Details:

Please tick appropriate box:

<input checked="" type="checkbox"/>	Police
<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection

	Weights and Measures	
	Licensing Authority	
	Immigration	
	Public Health Department	
Full name:	Peter Eccleston	
Job Title:	Bury District Licensing Officer	
Tele number:	07774219071 / 0161 856 2256	
Email:	peter.eccleston@gmp.police.uk	
Address:	Bury Police Station Dunster Road Bury BL9 0RD	

Section 3 – Representations	
x	We object to the application being granted at all
	We object to the application being granted in its current form*
<p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</p>	
<p>You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).</p> <p>Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.</p>	

Section 3A – The Objectives	
<p>To prevent crime and disorder</p>	<p>Please accept this as a formal representation from Greater Manchester Police with regards to the application to vary the Premises Licence for the Village News, 477 Bury New Road, Prestwich M25 1AD.</p> <p>The application to vary the Premises Licence was received by Greater Manchester Police on the 29th October 2024 with a request to vary the operating schedule from its existing opening times of 06:00hrs – 23:00hrs, 7 days a week to 24 hours, 7 days a week. The application is also asking to vary the supply of alcohol from it's existing 07:00hrs – 23:00hrs 7 days a week to 24hrs, 7 days a week, with the provision that alcohol will be supplied though a serving hatch, (similar to a petrol forecourt) between 23:00hrs and 06:00hrs each day.</p> <p>The premises itself, it situated in the heart of Prestwich village centre which is becoming an increasingly popular destination for people who are not just local to Prestwich, but those who live further afield who wish to sample the array or licensed premises and restaurants. With this increase in popularity brings its challenges and problems with an increase in alcohol related violent crime and other anti-social behaviour related incidents.</p> <p>With the majority of premises closing between midnight and 2am on the weekends, (earlier during the week) there is a high volume of footfall in the early hours of the morning.</p> <p>For those who haven't finished drinking and not moved onto other venues in Manchester City Centre or Bury Town Centre where premises are open even later, the concerns of Greater Manchester Police, is that instead of calling it a night and going home, members of the public will have greater access to alcohol after hours and is likely to lead to on street drinking. This is likely to lead to further alcohol fuelled anti-social behaviour and violent crime, which is only likely to be more severe with the discarding of empty containers such as glass bottles which in turn increases the availability of potential weapons which wouldn't have been there previously.</p> <p>Having considered the application and the proposed steps provided in the application, Greater Manchester Police have severe concerns that granting of the license as per the proposals poses a real risk to public safety.</p>
<p>Public safety</p>	<p>Please state your reasons:</p>

To prevent public nuisance	<i>Please state your reasons:</i>
The protection of children from harm	
Section 3B – Suggestions/Further information	

Signed.....P. Eccleston.....

dated: 25/11/2024

N.B if you do make a representation, you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

Appendix 3

Representations from Interested Parties

Good Evening

Re application for 24-hour alcohol licence for Village news, Bury New Road, Prestwich

I would like to strongly object to this application on the following grounds.

Prevention of Crime and Disorder

The shop is very close to a large social housing complex. There is a history on this estate of antisocial behaviour, including drug abuse and sales, public drunkenness and theft from cars and property which has been linked to the purchase and use of alcohol and drugs.

Having the ability to buy alcohol during the night would, in my opinion, contribute to theft from properties, cars, and mugging.

There is also the concern that the shop itself would be targeted for robbery and the staff threatened and abused.

Public Safety/prevention of public nuisance

The shop is situated on an extremely busy major conduit leading from J17 of the M60 directly into Salford and Manchester City Centre. The road is always busy and the potential for road accidents between vehicles and inebriated customers is high. There are already issues with begging in the area and this could add to the problem.

I am also concerned re cuckooing. The housing estate has several vulnerable clients residing there and they would be at risk from people wanting to be close to a 24-hour supply of alcohol. It may also lead to an increase in drink and drug driving as purchasers from other areas come to buy alcohol.

Malicious damage of property and vandalism have been problems in this area of Prestwich, I strongly believe adding the ability to purchase alcohol throughout the night will lead to an increase, thus putting pressure on police and council services.

Protection of children from harm

The premises is within walking distance of both a primary and secondary school. It is near to Prestwich tram station which is used by children going to other schools in the borough. The proximity of the shop to the tram network leads to a potential of people travelling to buy alcohol late at night and early morning. This could mean they are in a state of drunkenness both on the platform and on the tram while children are travelling to and from school.

I hope my concerns are fully considered. I know other Councillors and local Police feel this is an ill-advised application that has a high probability of causing major harm to an area that we are currently looking to attract high value businesses to. The regeneration plans have been widely welcomed, and residents are looking forward to a better Prestwich and this application serves to diminish that.

Hello,

I would like to formally object to this application.

As the premises is in the town centre, there are already a higher level of alcohol related issues of ASB, public nuisance and crime. The current licensing arrangements help to limit this, with most licensed premises closing at a reasonable time.

The application to serve alcohol 24/7 would run contrary to the existing arrangements and very likely increase the risks of these issues getting worse.

The premises is also next to a residential area – primarily social housing – and the potential impact of this license on those residents should be considered too.

Overall, this application should be rejected on the grounds that it will increase the risk of crime, disorder and public nuisance and be contrary to the current arrangements in the vicinity.

Thank you,