

**Minutes of: LICENSING HEARING SUB COMMITTEE**

**Date of Meeting:** 18<sup>th</sup> December 2024

**Present:** Councillor G McGill (in the Chair)  
Councillors G Marsden and D Quinn

M. Bridge (Licensing Unit Manager)  
M. Cunliffe (Democratic Services)  
P. Llewellyn (Democratic Services)  
R. Thorpe (Legal Services)

**Also in attendance:** Councillor E O'Brien  
Councillor D Green  
Mr V Mandadapu (Applicant)  
Mr T Clarke (Applicant's Representative)  
PC P. Eccleston (Greater Manchester Police)  
L Buggie (Public Health)

**Public Attendance:** The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No other members of the public or press were in virtual attendance.

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**1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillor I. Rizvi, C. Smith (Head of Public Protection) and B. Thomson (Assistant Director of Operations Strategy).

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3 MINUTES OF THE LAST MEETING**

The minutes of the last Licensing Hearing Sub Committee meeting held at 10.00am on the 25<sup>th</sup> November 2024 were attached to the agenda.

**Resolved:-** That the minutes of the Licensing Hearing Sub Committee held at 10.00am on the 25<sup>th</sup> November 2024 be approved as a correct record.

**4 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**

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

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).

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

The Licensing Unit Manager presented the report and 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 Where representations are made and not withdrawn Members are required to determine them

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

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 till 00:00 (24 hours)

**Supply of Alcohol (off the premises only):**

Monday to Sunday– 00:01 till 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 were contained at Appendix 1 in the agenda packs.

The Public Health Service and Greater Manchester Police in their capacity as a Responsible Authority had made representations against this application. They would both make those representations at the hearing. The representations were attached at Appendix 2 in the agenda packs.

Two representations had been received from interested parties in respect of this application. These representations were attached at Appendix 3 in the agenda packs.

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.

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.

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.

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.

In making its decision with regard to this application hearing, the steps the Sub-Committee can take are:

- 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

All licensing determinations should be considered on the individual merits of the application.

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.

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.

The Sub-Committee was asked to determine what steps, as set out above, are appropriate for the promotion of the licensing objectives.

The Licensing Unit Manager provided clarification that a petition submitted by the business with signatures of 80 customers supporting the variation had been circulated to the Sub Committee Members on the 12<sup>th</sup> December.

Mr Tony Clarke addressed the Committee acting as the agent on behalf of the applicant, Mr Mandadapu who had been a UK resident since 2013. He had held a personal licence since 2022 and was experienced working in an off licence for the past 5 years. Two other staff worked at the premises although the applicant would be the one working after 11.00pm and if he was not available another personal licence holder would cover. Staff were fully trained using the refusals policy to not undermine the licensing objectives and a night hatch could be fitted to protect employees. There were no reports of crime and disorder associated with the premises nor had there been any visits by the responsible authorities. This was a respectable retailer requesting an extension of hours which over 80 customers had supported via the petition as there was no other shop nearby and alcohol plus other goods would be available to purchase.

Mr Clarke added that he had tried to contact PC Peter Eccleston on the 2<sup>nd</sup> December but had received no reply. This was in relation to agreement of a reduced closing time of 2.00am to balance out any public safety concerns for the area. The Public Health Team had suggested a midnight closure but it was not worth it for the applicant to spend money on the installation of a night hatch for one extra hour of trade. They would like the 24 hours to be granted but could reduce to 2.00am.

Mr Clarke commented it was a small store in a mixed area with no evidence of disorder or public nuisance. He referred to the data matrix used for the Prestwich area and this actually covered close to 3 square miles so the store appeared as a high rating in a problem area. There were no crime figures available from 2019 to analyse this data and was unsure how the licensing objectives could be undermined with the suggested condition supplied in the agenda pack.

PC P Eccleston reported that he had been off work with illness at the start of the month and that was the reason no communications had taken place with Mr Clarke.

The Chair referred to the petition and asked about any verification process taking place and Mr Clarke stated it was done in good faith without ID and the customers were happy for their data to be shared.

Lee Buggie, a Public Health Specialist referred to data in relation to prevent crime and disorder. 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.

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) along with income deprivation effecting older people and a low rating against employment. 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. The LSOA ranks 1 for the highest level of alcohol related crime/alcohol related domestic abuse and ASB crime as a total.

Data in relation to public safety was provided that 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. 24-hour drinking will only exacerbate this trend or potentially give communities the opportunity to drink for longer periods. The LSOA ranks 17/120 for those receiving alcohol addiction and its ranked 1<sup>st</sup> out of 120 for highest numbers in treatment

To prevent public nuisance, 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. 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.

Reporting on the data to protect children from harm, income deprivation was affecting children at a score 5/10, Public Health believe more money spent on alcohol given extended opening times will negatively impact on the lives of young people with care givers having greater access to alcohol sales.

Mr Clarke questioned the data being used to tell the public do what we say and that customers had requested the longer hours and were not overly concerned with health problems. Mr Buggie reported that male liver disease and hospital admissions were high for the area hence why representations had been made and he was more comfortable with a midnight closing time than 24-hour access.

The Licensing Unit Manager clarified that need is not a consideration for the committee when deciding the application.

Councillor Eamonn O'Brien made a representation to the Sub Committee as a local ward Member and reported that parts of the Prestwich area including the town centre had ASB problems. Crime and Disorder was concentrated to an area driven by alcohol sales and a tight licensing scheme in the town centre was that most pubs, bars and restaurants closed around midnight which provided a good balance for the community. A concern for residents was that a 24-hour licence would be a magnet to stay in the area when other venues had closed to continue consuming alcohol. He made reference that the large Tesco store only sold alcohol until 1.00am and commented that this was a good store and he didn't want it to attract people

at later hours who would have likely gone home. The town centre was a residential area with regeneration plans in place and suggested a shorter extension was more reasonable for all parties concerned.

Mr Clarke referenced the Shell Garage had a 24-hour licence with a night hatch and Councillor O'Brien responded that that was not within the town centre area and located at a busy motorway junction within a petrol station, which was in their nature to be open 24 hours.

PC P Eccleston presented representations on behalf of Greater Manchester Police and reported Prestwich village centre 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 of 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.

With the majority of premises closing between midnight and 2.00am on the weekends, (earlier during the week) there is a high volume of footfall in the early hours of the morning. 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 GMP, 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.

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. The premises was managed well and there had been no complaints with the current licence.

Mr Clarke asked would GMP accept a 2.00am closing time and PC P Eccleston stated this was better than 24 hour opening but there was still a question on increase levels of crime and ASB. He also questioned that if a hatch was required to protect staff, what does that say about the local area and the type of customers that would be attracted to the store at those times. Mr Clarke added some Councils prefer a night hatch but if they would be happy to comply without the condition. PC P Eccleston suggested if the hours were reduced then a magnetic door look was a different option and the counter could be moved to the front of the building. He stated it was harder to check ID through a glass window than over a counter.

Councillor Debra Green made a representation to the Sub Committee as a local ward Member and in the context of the Prevention of Crime and Disorder commented that the shop is very close to a large social housing complex. There is a history on this estate of antisocial behaviour, including drug sales/abuse along with public drunkenness and theft from cars and property which had been linked to the purchase and use of alcohol and drugs. There had also been the death of a young lady living there which was linked to drink and drug use at the inquest.

Having the ability to buy alcohol during the night may contribute to theft from properties, cars, and potential cases of mugging including stabbing incidents. There was also the concern that the shop itself would be targeted for robbery and the staff threatened and abused.

Mentioning public Safety/prevention of public nuisance, 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. Adding the ability to purchase alcohol throughout the night will more than likely lead to an increase, thus putting pressure on police and council services.

This was an ill-advised application that had a high probability of causing major harm to an area looking to attract high value businesses to. The regeneration plans have been widely welcomed, and residents are looking forward to a better Prestwich and it was felt this application in its current form serves to diminish that.

Councillor Green added that whilst there are no crime statistics online via GMP, she had attended PACT meetings held at Sedgley Park and were provided with up-to-date crime figures. She thought midnight would be a sufficient time to end alcohol sales at the store.

In summing up, Lee Buggie based his public health representations on the intelligence data provided for the area. PC P Eccleston provided GMP representations that in his 2 years in his role as a Licensing Officer, from experience these 24-hour licences are linked to alcohol related incidents which are a danger to public safety.

Mr Clarke in his summing up accepted the information provided by public health and GMP and would be willing to accept a 2.00am closure time. The store would rather not have a night hatch condition and could discuss changing the store plans and resubmit these with a move of the counter. He repeated that there was no direct evidence to suggest this shop was responsible for any crime and disorder in the past or the future. The applicant understood the responsibility of the licensing objectives and local people had requested this.

The Sub-Committee 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 the relevant provisions of the national guidance and the Council's licensing policy statement.

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 the evidence was considered with care, and it was established that having understood the application and equally noting and understanding all the representations, the Sub-Committee found there were some causes for concern so far as the promotion of the licensing objectives were concerned. The Sub-Committee could not support a 24-hour licence and discussions between all parties during the hearing had provided informal acceptance that other timescales were more appropriate.

It was therefore agreed unanimously that the Sub- Committee **Grant the variation subject to the following amendments.**

The operating schedule will change from its existing opening times of  
06:00hrs – 23:00hrs, 7 days a week to  
06:00hrs – 1:00hrs, 7 days a week

The supply of alcohol will change from its existing times of  
07:00hrs – 23:00hrs 7 days a week to  
07:00hrs – 1:00hrs 7 days a week.

A magnetic door lock system will be installed at the front of the premises, whereby all customers shall only be served via a magnetic door between the hours of 23.00 and 01.00 every day. The premises will remain closed during these hours until such time that a magnetic door lock system has been installed and was operational.

The Sub-Committee felt the amended hours were more in keeping with the other licenced premises in the surrounding area was therefore satisfied that on the balance of probability there was sufficient evidence presented that had demonstrated some of the following licensing objectives would not be met if the store was open 24 hours a day and would fail the:-

- the prevention of crime and disorder
- public safety

The reasons by the sub-committee, included:-

- Data evidence from GMP PACT meetings of a clear link and increase in crime and disorder linked to alcohol sales.
- Evidence from Public Health of alcohol related health problems in the area.
- Vulnerable people living nearby on the social housing estate, some of whom will have drug and alcohol addiction.

The evidence presented and supporting documents were deemed sufficient evidence to make amendments to the variation of the licence. Details on the right for an appeal were provided to the applicant.

The above was also subject to the below 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.



**Prevention of Crime and Disorder**

- A magnetic door lock system will be installed at the front of the premises, whereby all customers shall only be served via a magnetic door between the hours of 23.00 and 01.00 every day. The premises will remain closed during these hours until such time that a magnetic door lock system has been installed and was operational.

**COUNCILLOR G MCGILL**

**Chair**

**(Note: The meeting started at 10.00am and ended at 11.58am)**

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