

# REPORT FOR DECISION

<b>Agenda Item</b>	
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<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>24<sup>TH</sup> AUGUST 2015</b>
<b>SUBJECT:</b>	<b>APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF 146 TOTTINGTON ROAD, BURY, BL8 1RU</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR DESIGNATE (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of 146 Tottington Road, Bury, in respect of which representations have been received.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>To grant the application in the terms requested</li> <li>To grant the application subject to conditions</li> <li>To amend or modify existing or proposed conditions</li> <li>To refuse the application</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals
<b>Statement by Executive Director of Resources:</b>	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.
<b>Equality/Diversity implications:</b>	<b>Yes</b> <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	<b>Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.</b>
<b>Wards Affected:</b>	Elton
<b>Scrutiny Interest:</b>	Internal Scrutiny Panel

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is 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 BACKGROUND**

- 2.1 The applicant for the licence in respect of the above premises is Mr Saeed Akhtar. Georgina Harmer of 30 Hayling Close, Bury, is 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:-

- a) the prevention of crime and disorder
- b) public safety
- c) prevention of public nuisance and
- d) 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. The sale of alcohol – For consumption Off the Premises only.

Monday to Sunday

08.00 to 22.00hrs

### **4.0 REPRESENTATIONS**

4.1 Representations have been received from a number of local residents. The grounds of their representations are summarised as follows:

- The potential for an increase in noise nuisance
- The potential for anti social behaviour in the vicinity of the shop as a result of youths congregating outside the shop and
- A fear that young people could pester adults to purchase alcohol on their behalf.

4.2 The representors have mentioned other concerns which cannot be considered by the Panel, namely the lack of parking for customers vehicles and their view that there is no need for another alcohol outlet in the area.

4.3 All the representations were received before the end of the objection period.

### **5.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

5.1 Greater Manchester Police initially made representations in relation to the application which have since been withdrawn after agreeing with the applicant the conditions attached at appendix 1 which will be applied to any licence granted. The applicant also agreed to amend their application by reducing the period during which alcohol may be sold by one hour from 7am to 8am daily.

### **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.

**List of Background Papers:-**

Application form  
Representations received  
Plan

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

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Bury  
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## **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. discs / 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 reasonable request in line with data protection.

The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least one member 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 or malfunction as soon as is reasonably practicable and in any event within 24hrs.

On an annual basis the premises licence holder or the DPS is ensure the system has been checked, maintained to any recognised specification and is in working order. An action plan to be agreed to rectify any recorded malfunction or planned alterations.

2/ A written record shall be kept every time images are recorded of any incidents by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him / her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc). A secure storage system to store those recording mediums shall be provided.

3/ Staff training shall take place on the licensing Act and Licensing objectives when employment commences and / or every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the council for inspection on request.

4/ No person in possession of an alcoholic drink in an unsealed container shall be allowed to enter the premises.

5/ No alcoholic drink shall be removed from the premises in an unsealed container.

6/ The management or DPS/ Licence holder or trusted members of staff must be adequately trained with regard to the full operation of the CCTV system at the premises.

**7/** Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of the local residents and to leave the premises and area quietly.

**8/** No refuse shall be disposed of or collected from the premises between the hours of 9pm and 7am daily, where such disposal or collection is likely to cause disturbance to the local residents and community.

**9/** 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, if it is safe to do so.

**10/** The premises will operate a “Challenge 21” 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 21 must produce for thorough scrutiny, 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.

**11/** The premises is to maintain a refusals 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 underage of 18. The book must be made available to the police / authorised officers of the Licensing Authority on request.

**12/** That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff namely

:- All Spirits.