



Licensing Sub Committee Hearing Panel

Date: Monday, 20 July 2020

Time: 10.00 am

Venue: Dial: 033 3113 3058 Room number: 37978770 #
Guest PIN: 2991 #

Everyone is welcome to attend this committee meeting.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. This meeting is by way of a telephone conference. You can listen to the call as it takes place, the number of people able to listen to the live call is limited to 90.

Membership of the Licensing Sub Committee Hearing Panel

Councillors – Andrews (Chair), Jeavons and Lyons

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. New Premises Licence - C & W Etchells, 277 Barlow Moor Road, Manchester, M21 7GH - determination 5 - 8

The determination papers are enclosed.

5. New Premises Licence - Down 2 Earth Minimart All Nations, 34 Gladeside Road, Manchester M22 9GQ - determination 9 - 11

The determination papers are enclosed.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Ian Hinton-Smith
Tel: 0161 234 3043
Email: i.hintonsmith@manchester.gov.uk

This agenda was issued on **Friday, 10 July 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 246899
Name: C & W Etchells
Address: 277 Barlow Moor Road, Manchester, M21 7GH
Ward: Chorlton Park
Application Type: Premises Licence (new)
Name of Applicant: Mr C.W.Etchells and Mr C.J.W.Etchells
Date of application: 05 June 2020

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

Proposed licensable activities and opening hours to be granted

The supply of alcohol for consumption off the premises only:
Mon to Sun 7.00am to 12midnight

Opening hours:
Mon to Sun 5.30am to 12midnight

Non-standard timings:
From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

Representations received

Licensing & Out of Hours Compliance	LOOH have concerns that licensing objective relating to the prevention of public nuisance will be undermined via the premises due to the supply of alcohol from 05:30 onwards. The majority of other licensed premises within the locality provide off sales of alcohol from 08:00 onwards. Due to the premises being located within a highly residential area it is of concern to LOOH Compliance that the supply of alcohol from 05:30 onwards could lead to issues of public nuisance such as increased footfall within
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	the area at such sensitive early morning hours. Following discussions with the applicant it has been agreed that the supply of alcohol shall commence at 07:00 to 24:00 Monday to Sunday.
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Agreements between parties

Licensing & Out of Hours Compliance:

The supply of alcohol for consumption off the premises only:
Mon to Sun 7.00am to 12midnight

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Original application form
- Representations made against application and respective agreements

Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licensed premises, including all public entry and exit points will be covered. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a period of 28 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a Police Officer or other Authorised Officer. 2. Staff shall be trained in respect of the Conditions attached to the Premises Licence, proxy sales and refusing sales to people who are intoxicated. Documented records of training completed shall be kept for each member of staff. Training shall be every six months and records shall be made available for inspection upon request by a Police Officer or Authorised Officer of the Local Authority. 3. A Refusals Log shall be kept at the premises for at least six months, and made available on request to GMP or an Authorised Officer of the Licensing Authority. 4. All firefighting equipment shall be inspected and serviced in line with the appropriate British Standard. 5. A Fire Safety Plan shall be in place and all staff shall be trained in respect of this. 6. Notices shall be prominently displayed requesting patrons to respect the needs of local residents and leave the area quietly. 7. Staff shall take all reasonable steps to discourage and prevent people from congregating outside the premises. This shall include monitoring the area outside the premises and asking any people congregating there to leave the area. 8. Staff shall regularly check the outside area and at the end of trading each day, the pavement immediately outside of the premises shall be cleaned of any litter. 9. The premises shall display appropriate signage indicating that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol. 10. The Challenge 25 Scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo-card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram. 11. In addition to any other training, the Premises Licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, and to update the Refusals Log. 	N/A	Applicant

12. Documented records of training completed shall be kept for each member of staff. Training shall be every six months and records shall be made available for inspection upon request by a Police Officer or Authorised Officer of the Local Authority.		
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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 245300
Name: Down 2 Earth Minimart All Nations
Address: 34 Gladeside Road, Manchester, M22 9GQ
Ward: Woodhouse Park
Application Type: Premises Licence (new)
Name of Applicant: Mr Sean Grant and Miss Samantha Aymer
Date of application: 01 June 2020

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

Proposed licensable activities and opening hours to be granted

The supply of alcohol for consumption off the premises only:
 Mon to Sun 10.00am to 11.00pm

Opening hours:
 Mon to Sun 7.00am to 12.00midnight

Representations received

Greater Manchester Police	GMP have expressed concern that the conditions offered by the applicant, by way of the applications Operating Schedule, were insufficiently 'robust' in their wording to ensure that the Four Licensing Objectives would be correctly upheld and enforced and have requested specific conditions be imposed on to any subsequently granted premises licence to address their concerns in regard to this matter. GMP have also requested that the daily finishing time for the sale of alcohol be drawn back to 2300hrs, from the applied for 2400hrs.
Licensing & Out of Hours Compliance	LOOH Compliance were/are insufficiently assured of the applicants' ability to uphold the Four Licensing Objectives and have expressed

	<p>concern regarding the potential for public nuisance to occur at/in the vicinity of the premises, due to the late sales timings for alcohol of 2400hrs per day. LOOH compliance have also requested that the daily finishing time for the sale of alcohol be drawn back to 2200hrs, (from the applied for 2400hrs) and that a number of other conditions be imposed on to any subsequently granted premises licence to prevent the potential occurrence of noise/public nuisance issues taking place at the premises.</p>
<p>The Trading Standards Service</p>	<p>The Trading Standards Service have submitted a representation against the application on the grounds of the licensing objective relating to the protection of children from harm. Trading Standards are of the opinion that the age verification policies being out forward via the application are insufficient and are requesting that an 'industry standard' 'Challenge 25' age verification policy be adopted by the premises, as well as other conditions relating to staff training, the keeping of an alcohol refusals log, etc.</p>

Agreements between parties

Greater Manchester Police:

- The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which shall record the following incidents including pertinent details:
 - all crimes reported to the venue, or by the venue, to the police;
 - all ejections of patrons;
 - any incidents of disorder;
 - any faults in the CCTV system;
 - any visit by a relevant authority or emergency service;
 - all refusals of sales of alcohol.

- The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice.
- In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.

Licensing & Out of Hours Compliance:

- Refuse collections shall not take place between 2200 and 0800.
- No deliveries shall be made to the premises between 2200 and 0800.
- Notices shall be displayed at the exit requesting patrons to respect the needs of local residents and leave the area quietly.
- In as far as is reasonably possible, staff shall discourage patrons from congregating outside the premises.

The Trading Standards Service:

- A challenge 25 scheme shall be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, a HM Forces warrant card or a card bearing the PASS hologram.
- A log shall be kept at the premises and record all refused sales of alcohol for the reasons that the person(s) is, or appear to be under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log shall be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.
- The premises shall display prominent signage indicating in all areas where alcohol is located that a Challenge 25 scheme is in operation and that it is an offence to buy or to attempt to buy alcohol for a person who is under 18 and for a person under 18 to buy or attempt to buy alcohol.

N.B. – Following agreement between Greater Manchester Police and the Licensing out of Hours and Compliance Team it has been agreed that the daily terminal hour for the sale of alcohol at the premises shall be 11.00pm/2300hours.

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Original application form
- Representations made against application and respective agreements

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