

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 10 June 2024

Present: Councillor Flanagan – in the Chair

Councillors: Hilal and Riasat

**LCHP/24/37. Application for a Designated Premises Supervisor Variation -
The Chorlton Green, 137 Beech Road, M21 9EQ**

The Hearing Panel were informed that the application had been withdrawn and therefore no decision was necessary.

**LCHP/24/38. Application for a New Premises Licence - H Krupa Wholesale
Ltd, Unit 0213A, Safe Storage Ltd, 202-208 Cheetham Hill
Road, Manchester, M8 8LW**

The Hearing Panel considered a report of the Director of Planning, Building Control and Licensing. The Hearing Panel also considered the written papers of the parties submitted and the oral representations of the parties who attended as well as the relevant legislation.

The applicant addressed the Hearing Panel, noting that they had applied for a 24-hour Premises Licence to provide alcohol sales online via delivery. There would be no public access to the premises, with all orders placed online and delivered to the customers home address. The premises would employ only one delivery driver to start with and see how business was. They would be trained in Challenge 25 and would only deliver to the address provided. The applicant stated that they would follow the rules and regulations.

Under questions from LOOH, the applicant could only name three of the four Licensing Objectives. The applicant accepted that the storage unit would not be accessible for 24-hours and items would be in the delivery driver's car at the time the unit closed ready for late-night orders. When a customer ordered their alcohol, the driver would take it to their address and check their ID on arrival. A driver would be trained to not leave any orders on a doorstep without the customer. The applicant was familiar with Section 190 of the Licensing Act 2003, that alcohol sales had to come from the Licensing Premises. The applicant could not provide further information on what risks they thought there could be with such an operation. The applicant did not know what a Public Spaces Protection Order was or what they prohibited. The applicant accepted that they would be the DPS, but their home address was in London. They stated that they would remain in Manchester whilst the business became established and then would change the DPS.

Public Health asked questions of the applicant, with the applicant noting that sales in the beginning would be within a five-mile radius. A delivery service app allows for sales within 25-kilometres but with only one driver, the applicant felt that to be too far. The premises would employ their own driver and not use any provided by apps. Drivers would be trained in Challenge 25 and to have no music on in the car to

prevent a nuisance. Drivers would refuse to give orders to intoxicated customers and the premises would inform the delivery service app of any sale refusals. The premises would not just be selling alcohol but groceries too. The applicant accepted that their driver would still provide an order to a customer at a house party, provided they had shown proof of age and were not drunk. The length of time an order would take would be dependent on the distance. Delivery service platforms provide the option to use your own drivers or theirs and the applicant would take the option of using their own.

The panel then asked questions and the applicant noted that they would need to load the vehicle with alcohol at the time the storage unit became inaccessible. The applicant felt there were other businesses operating a similar model in Manchester. The applicant reiterated that if a customer was drunk, they would not deliver to them. The applicant would keep a record of refused service. The delivery car would have tinted windows and the applicant felt that was enough to keep the alcohol stored in there secure.

The panel's legal representative sought clarity on the storage unit's opening hours. The applicant confirmed that they were Monday to Wednesday 8am – 6pm, Thursday 8am to 8pm, Friday and Saturday 8am – 6pm, and Sunday 8am – 4pm.

LOOH addressed the Hearing Panel, noting that this was an application for a 24-hour Licence for a Premises that was not open for 24-hours. LOOH had concerns as to how the applicant could use the premises to provide a service for 24-hours. They stated that any sales when the premises was closed would be unauthorised and therefore undermine the Licensing Objectives. To load a vehicle with alcohol to sell would be an offence. LOOH felt the applicant had provided no detail on how they would manage any problems that arose, detail on staff training and detail on refusal records. LOOH were concerned that the DPS would live in London and be unable to effectively manage the day-to-day operation of the Premises. LOOH asked that the panel refused the application.

Public Health addressed the Hearing Panel, noting their belief that the applicant had not provided sufficient detail on how the business would be managed. They had concerns that there was no detail on dealing with public nuisance and other risks associated with a business of this type. They raised concerns about the effectiveness of Challenge 25 for deliveries of this type. Public Health noted that the applicant had provided a wide area for deliveries that included Special Policy Areas where new Premises of this kind were restricted. There were concerns that the applicant was unaware of the four Licensing Objectives and concerns that the driver would leave a car full of alcohol unattended whilst completing other deliveries. Public Health felt that the application would undermine the Licensing Objectives and Manchester's Statement of Licensing Policy.

LOOH summed up by stating that they had concerns over the applicant's knowledge of the Licensing Objectives and the area they would be working in. The applicant had confirmed that they would load up a vehicle with alcohol to complete sales when the storage unit had closed. LOOH stated that this was an offence and raised serious concerns. LOOH asked the panel to refuse the application.

Public Health summed up by stating that they did not believe the applicant had dealt with the risks associated with alcohol delivery. They felt the application would undermine the Licensing Objectives and the delivery radius would undermine Special Policy Area's.

The applicant summed up by stating that they would follow all rules and regulations, wanting to operate without causing disturbance.

In reaching its decision, the Panel has also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act as well as the licensing objectives. The panel had concerns of the effective day-to-day management of the Premises due to the DPS having a London address. The panel noted that the premises was not accessible 24-hours a day and accepted that it would be an offence to complete sales from a vehicle. The panel felt that stocking a vehicle with alcohol would increase the risk of the vehicle being broken into and thus undermine the prevention of crime and disorder licensing objective. The panel were not satisfied that tinted windows would be a sufficient security measure. The panel had concerns about the applicant's ability to keep the necessary records in terms of refusals. The panel felt that the applicant had limited knowledge of Manchester, particularly the Special Policy Areas prescribed in the Council's Statement of Licensing Policy. The panel had further concerns that the applicant could not provide detail regarding the training that would be provided to their driver.

Decision

To refuse the application.