



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