

Licensing Act 2003 (Hearings) Regulations 2005

Reference: 258972
Name: O'Donnell Moonshine Ltd
Address: Lower Ground Floor, 10-12 Little Lever Street,
Manchester, M1 1HR
Ward: Piccadilly
Application Type: Premises Licence (new)
Name of Applicant: O'Donnell Moonshine Ltd
Date of application: 28 May 2021

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 8am to 7pm

Opening hours: The premises is not open to members of the general public

Representations received	
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Licensing & Out of Hours Compliance
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LOOH Compliance are not satisfied that the conditions being proposed via the applications Operating Schedule are sufficiently robust and comprehensive to ensure that the Four Licensing Objectives will be fully upheld and enforced and, consequently, are requesting that a range of conditions be imposed on to any subsequently granted premises licence.
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The Trading Standards Service	The Trading Standards Service have expressed concern regarding the proposal for home delivery of alcohol and potential issues relating to the protection of children from harm. To address their concerns the Trading Standards Service are requesting the imposition of a number of conditions on to any subsequently granted premises licence that they believe will ensure the upholding of the Licensing Objective relating to the protection of children from harm
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Agreements between parties

Licensing & Out of Hours Compliance Team:

The conditions listed below are to replace wholesale those conditions proposed by the applicant via the applications Operating schedule:

1. Staff shall be provided with comprehensive training in the Challenge 25 policy; health and safety within the workplace; fire safety; complying with the licence conditions; and obligations and offences under the Licensing Act that apply to the sale of alcohol.
2. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training shall be given to a new member of staff before they commence paid employment. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
3. No promotional communications may be carried on for the purpose of encouraging the sale or supply of alcohol from the premises, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.
4. Any promotional activity shall comply with the most current Portman Group code of practice on the rules for naming, packaging and promotion of alcoholic drinks
5. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations -
6. Regular premises safety checks shall be carried out by staff ensuring that emergency exits are clearly visible, unobstructed and well maintained.
7. A first aid box shall be available at the premises at all times
8. The DPS shall prepare a risk assessment for the premises which shall account for fire safety and shall identify potential hazards posed to staff or members of the public, setting out precautions to manage the hazards. Risk assessments shall be reviewed every 12 months and a copy of each risk assessment shall be kept at the premises and be available for inspection by the licensing authority.

9. All deliveries of alcohol shall only be delivered to an address with a valid postcode and shall only be delivered directly to that property and not to a public place.
10. Alcohol delivery shall be refused if delivery staff consider the person receiving the delivery to be underage or under the influence of alcohol or drugs.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
12. No bottles, glasses or similar items may be disposed of in outside receptacles between the hours of 2300 and 0700.
13. No deliveries must be made to the premises between 2200 and 0700 hours.
14. The premises and its immediate surrounding area shall be kept clean and free from litter
15. Any order dispatched containing alcohol shall be suitably marked and any courier service used shall be aware that identification shall need to be shown prior to delivery and cannot be left with a third party.
16. All sales of alcohol for consumption off the premises shall not be removed from premises unless in sealed containers only.
17. The premises shall implement age-verification procedures at both the point of sale and the delivery of alcohol. The Challenge 25 age verification policy shall be implemented at the point of delivery with delivery staff trained to ask customers whom they believe to appear under the age of 25 to produce photographic identification.
18. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.

The Trading Standards Service:

1. 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. **(N.B. – This condition duplicates Conditions 17 and 18 as being proposed by Licensing Out of Hours and Compliance Team)**
2. A message will be displayed on the website notifying customers of the Challenge 25 policy in place and that orders will not be left with any person under 18 years of age upon delivery and that the courier may request the recipient to produce satisfactory identification evidence to prove that they are at least 18 years of age.
3. All sales will be made through online sales only, there shall be no other means to place an order.
4. All staff engaged in the delivery of alcohol will be trained with regards to the Challenge 25 policy. This training shall be documented, and training refreshed at no greater than 12 monthly Intervals. The Premises Licence holder shall also ensure that all employees of any third party engaged in the delivery of alcohol,

i.e. couriers, have also been trained by their employers regarding the Challenge 25 policy. This training shall also be documented.

5. At the point of delivery, the Challenge 25 policy shall be operated. The only ID that should be accepted is a passport, photo driving licence, PASS accredited proof of age card or military identification card. **(N.B. – This condition duplicates Conditions 17 and 18 as being proposed by Licensing Out of Hours and Compliance Team)**
6. The Premises Licence Holder shall ensure that a sticker is applied to all consignments of alcohol. It shall read: “Note to delivery service, this package contains age restricted products. Ensure recipient is over 18”.
7. A log shall be kept and record all instances when a consignment of alcohol has not been delivered 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 will 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.

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