
WITNESS STATEMENT OF IAN RUSHTON

1. My name is Ian Rushton and I am a Licensing Consultant operating under the business name of JL Licence and Retail. I have been providing licensing consultancy services for over 12 years, mainly dealing with applications and matters relating to the Licensing Act 2003.

2. Prior to becoming a Licensing Consultant, I was employed by Knowsley Borough Council for numerous years as Principal Licensing Officer. I was working for Knowsley Council at the time when the Licensing Act first come into force in November 2005.

3. At Knowsley, I was responsible for the running and day to day management of the Licensing Service. This included all matters relating to the Licensing Act 2003 such as implementing and reviewing the Statement of Licensing Policy, and responsibility for ensuring that all applications were processed efficiently and correctly as required.

4. I was asked by Robert Botkai, legal representative for the applicant, to visit the Fallowfield area of Manchester, in particular Wilmslow Road, to provide an overview of the general area including the location and type of other alcohol licensed premises (off sales), and an overview of Fallowfield Service Station, 377-385 Wilmslow Road.

5. I visited the area on Wednesday 15 March 2023 arriving at Fallowfield Service Station at 12.31pm. It was a bright sunny winter day, certainly to start with, and I was dressed casually, rather than smart dress, to try to avoid drawing any particular attention to myself as I walked around the area and went into various shops. I noted that the shop operates under the 'Londis' branding and sells a variety of convenience goods such as snacks, soft drinks, coffee, cigarettes, sandwiches, confectionery, dairy goods, frozen

goods, groceries, car care, etc. It is in what would appear to be a quieter part of Wilmslow Road in comparison to other parts of the road.

6. I quickly noted that Wilmslow Road is a long road with a vast array of businesses and shops on both sides, at various stretches of the road, and of course there are residents living in the area. I am aware that there is a large student population in the area. The general area certainly appeared to be thriving with the wide variety of shops and local businesses serving the community.

7. There are a wide variety of licensed premises on Wilmslow Road including bars, pubs, restaurants, cafes, shops, and hot food takeaways. There appears to be a higher number of hot food takeaways. I saw many different types of premises focussing on cuisine from many parts of the world including Afghanistan, Turkey, Italy, Dubai, Spain, China, and India. I saw many bars and pubs in the area, several of which were advertising/promoting 'happy hours'. I understand that there will of course be bars and pubs which are licensed until the early hours of the morning. During my time in the area, I did not see anyone drinking alcohol on the street, or causing specific problems, although I appreciate that this can and will happen on occasion(s).

8. The area appears to be multi-cultural given the wide variety and type of shops and businesses in the area. I heard different languages and accents from shop staff and people walking and talking in the street.

9. After visiting Fallowfield Service Station I walked out of the forecourt, turning right and came to a large Sainsbury's store a couple of hundred metres away on the same side of the road. Sainsbury's was extremely busy with lots of customers, and they sell an extensive range of goods including alcohol. As I walked into the store, I noticed several promotions and special offers for alcohol in the foyer area near to the entrance, including beer packs on

offer. Sainsbury's have an extensive range of beers, lagers, ciders, wines, and spirits available for sale. They had bottles of Lambrini wine for sale at £1.80, other bottles of wine starting from £2.99, and 18 bottles of Moretti lager for £20, which is less than £1.12 a bottle.

10. I left Sainsbury's and turned right, walking past Ladybarn House (student accommodation) on the same side of Wilmslow Road, and Holy Innocents Church which is on the opposite side. I came to a convenience store called Midway Wines at 240-242 Wilmslow Road. This shop had signage on display showing the words 'OFF LICENCE AND CONVENIENCE STORE'. This shop also advertised alcohol sales in their shop window plus other goods. I walked inside and the shop sells a variety of goods including alcohol. I noted that there was some alcohol on display immediately near to the entrance as customers walk in. The shop was selling a wide range of beers, lagers and ciders including stronger beers such as Karpackie lager (9%), K cider (7.5%), Ace cider (7.5 %), Oranjeboom lager (8.5%), Carlsberg Special Brew (7.5%) and Frosty Jacks cider (7.5%). Single sales of these beers were available for sale. Midway Wines (known as Fallowfield Convenience Store according to the Council's licensing records) has a premises licence to sell alcohol between the hours of 8am and 12 midnight. I exhibit a photograph of this shop as my exhibit IR1.

11. I left Midway Wines, turned left, coming to a convenience store called New Zealand Wines at 214-216 Wilmslow Road. This shop is opposite Owens Park (student residence), Fallowfield Campus of the University, which is on the other side of the road. As well as the shop name, the shop signage also states the words 'OFF LICENCE' (and other goods that are for sale). There were multi-packs of beers on display in the shop window near to the entrance. The shop sells a variety of convenience goods including an extensive range of alcohol. The shop has a large selection of beers, lagers, and ciders available for sale including plenty of stronger beers such as Karpackie lager (9%), Barnstormer cider (7.5%), K cider (7.5%), Ace cider (7.5 %), Oranjeboom lager (8.5%), Kestrel Super lager (9%), Carlsberg Special Brew lager (7.5%), Frosty Jacks cider (7.5%), HCC cider (7.5%). The

shop also sells a range of alcoholic drinks which could appeal to and attract the younger adult market. This includes Dragon Soop (7.5% to 8%), which is a vodka-based drink containing caffeine and which is available in various fruit flavours.

12. Single cans and bottles of beers, lagers and ciders were available for sale in New Zealand Wines including the range of stronger beers. For example, a 2 litre bottle of Ace strong cider was £4.49, a can of Ace cider was £1.29, a can of HCC cider was £1.09, a can of Dragon Soop was £1.99, and a single can of Frosty Jacks was £1.29. A 4 pack of Stella Artois lager (330ml bottles) was priced at £4.99. This shop has a premises licence allowing alcohol sales between the hours of 12 noon and 2am every day. It appears that New Zealand Wines use online delivery companies such as Deliveroo and Uber Eats to deliver goods including alcohol.

13. I turned left out of New Zealand Wines and came to a shop called Kwik E Mart, a convenience store at 210 Wilmslow Road, located next but one to New Zealand Wines, Kwik E Mart is also opposite Owens Park, Fallowfield Campus. This is a small shop selling a range of goods including alcohol. They had multi-packs of beers on display from the shop window, visible from outside. They had a wide range of beers, lagers, and ciders for sale in a chiller near to the entrance although I didn't see any stronger beers for sale. Upon checking the Council's licensing records, this shop was granted a new premises licence on 30 January 2023 with hours of 8am to 12 midnight daily. I attach a photograph as exhibit IR2 showing Kwik E Mart and New Zealand Wines.

14. Kwik E Mart was the last convenience store in the area within walking distance, so I walked back to Fallowfield Service Station to get my car. I then drove up to the other end of Wilmslow Road, parked the car, and proceeded to walk around. This area appears to come under the Rusholme area. By this time, around 3.30pm, the weather had worsened, and it was getting colder and raining heavily. This part of the road was much busier and densely

populated with a wide range of shops and businesses, including of course licensed premises. As I state above, I observed numerous different types of bars, cafes, and restaurants offering a great deal of choice of licensed premises to visit. I focussed on the convenience stores selling alcohol and visited several of them.

15. I saw a shop called New Super Star Off Licence, a small convenience store selling a range of goods including alcohol. The shop signage includes the words 'OFF LICENCE' and their window display included alcohol advertising. The shop had several stronger beers over 6.5% for sale such as Oranjeboom lager, Barnstormer cider, and Ace cider. Cans of stronger beers appeared to be available for sale in single cans but there was no clear pricing on display that I could see. This shop is on the opposite side of the road and close to another site operated by Motor Fuels Ltd. I exhibit a photograph of the exterior of Super Star Off Licence as exhibit IR3.

16. I saw a shop called Curry Mile Mini Market at 87 Wilmslow Road. This is a small convenience store selling a range of goods including alcohol. There is alcohol advertising on the shops window display, and they sell a range of beers, lagers and ciders including stronger beers such as Kestrel Super lager (9%), Karpackie lager (9%), Skol Super lager (8%), Oranjeboom lager (8.5%), HCC cider (7.5%), and Dragon Soop (7.5% to 8%). This shop has a premises licence to sell alcohol between the hours of 8am and 2am every day. I exhibit a photograph of the exterior of Curry Mile Mini Market as exhibit IR4.

17. One of the factors that I noted in the area is that many of the shops selling alcohol for consumption off the premises prominently advertise the sale of alcohol from their shop front/window display.

18. From my observations, it is apparent that there are many shops in the area selling a wide variety of stronger beers, lagers, and ciders over 6.5%, and customers can purchase

single cans if they wish. In my experience, the type of alcoholic drinks that tend to be favoured by street drinkers are the stronger beers, lagers, and ciders over 6.5%. I would say that, in particular, cheap strong white cider such as Frosty Jacks is a favoured drink in view of their cheap price and high alcohol strength. Strong lagers such as Karpackie and Carlsberg Special Brew are also favoured.

19. Nationally, it is seen as good practice, again in my experience, for licensed convenience stores not to sell stronger beers over 6.5% and not to offer single cans for sale. I understand that Fallowfield Service Station would not sell any stronger beers, lagers, or ciders over 6.5%, and they will not sell single cans.

20. One of the first things I noticed at Fallowfield Service Station when I arrived was that the area in front of the shop was exceptionally clean and tidy. There is a waste bin provided for customers just outside the shop, and I did not see any litter. Inside, the shop was also clean and tidy, was well stocked, and I noticed that staff were wearing a uniform.

21. The shop, which operates under the well-known 'Londis' branding, sells a wide range of goods such as confectionery, dairy, frozen food, bread, snacks, crisps, sandwiches, soft drinks, cigarettes, hot coffee, car care, household items, etc. They also provide services such as Paypoint. This certainly isn't a shop that just wants to focus on cheap alcohol sales. I was highly impressed with the look, quality, and appearance of the shop.

22. I met the shop manager Mohamed Javid Talati, and I was shown to the back office and viewed the CCTV camera system currently in operation at the premises. I counted 22 cameras covering the whole of the premises including the entrance and the outside area. The cameras cover the area where it is proposed to store alcohol, and there are cameras covering the counter area and where all sales are made. There is a CCTV monitor in the back room, which is secure, and the images provided are clear and of evidential quality.

23. The shop has an electronic till with an age prompt for staff. The till gives an automatic age prompt to staff when they scan in all age restricted goods. In the future, if the sale of alcohol is approved, then the till would provide an age prompt for all alcohol sales. In the back office, I also noted the extensive set of files and due diligence records that are kept on site. This includes licence information, staff training, and various records such as health and safety, fire safety etc.

24. I asked the manager to show me where the proposed alcohol would be kept. I was advised that beers and wines would be kept in a chiller located close to the counter. The shop would sell a selection of the most popular and common brands such as Carling, Budweiser, Peroni, Corona, Guinness etc. A selection of wines would also be available for customers, whilst spirits and other items such as champagne would be located behind the counter.

25. The manager confirmed that the shop would not stock or sell any stronger beers, lagers or ciders over 6.5% abv apart from a small amount of specialist premium craft type beers. The shop would also not sell any single cans of beers.

26. The manager explained that they would just like to add some alcohol sales to allow the business to develop further and to allow customers to be able to purchase some alcohol if they wish. While I was on site, I saw the blue notice on display in respect of the licence application which shows the proposed hours for alcohol sales of 8am to 10pm daily. These hours are completely reasonable in my view and would promote the licensing objectives. I note that other licensed convenience stores in the area are licensed to sell alcohol much later than 10pm.

27. During my time in the area, I also visited two other similar sites which are operated

by Motor Fuel Limited, and which both have a premises licence to sell alcohol. It was useful to see these other shops in terms of their operation and the types of alcohol that they sell.

28. Rusholme Service Station at 10 Wilmslow Road has a premises licence to sell alcohol for consumption off the premises 24 hours a day, and to provide late night refreshment 11pm to 5am daily. The layout and look of this shop are very similar to the layout at Fallowfield Service Station. Rusholme Service Station has a chiller near to the counter with a selection of beers, lagers, and ciders, plus a selection of wines, with spirits kept behind the counter. The shop does not sell stronger beers, lagers, or ciders over 6.5% and they do not sell single cans. The price of a 4 pack of Stella Artois lager (330ml bottles) was £6.29.

29. Didsbury Service Station at 761-765 Wilmslow Road has a premises licence to sell alcohol for consumption off the premises between 0600 and 2400 and to provide late night refreshment 11pm to 5am daily. The layout and appearance of this shop are also similar to Fallowfield Service Station, in that there was a chiller near to the counter with a selection of beers, lagers, and ciders, plus a selection of wines, with spirits kept behind the counter. The shop does not sell stronger beers, lagers, or ciders over 6.5% and they do not sell single cans. The price of a 4 pack of Stella Artois lager (330ml bottles) was also £6.29, the same as Rusholme Service Station.

30. Both sites operate under the Londis branding, and I understand that alcohol prices at Fallowfield Service Station would reflect the prices of alcohol at the other sites. This means that the cost of alcohol from Fallowfield Service Station would not be particularly competitive or cheap, compared to other shops. For example, the cost of the 4 pack of Stella Artois lager (330ml bottles) is £6.29 in Rusholme and Didsbury Service Stations. The same 4 pack of Stella Artois was only £4.99 in another shop. The cost of alcohol is important, especially to the local student population and, in my experience, students will usually go the

cheapest stores to purchase their alcohol.

31. I have over the years submitted licence applications in various areas which were either located in in a CIP/CIA area or which had a perceived issue with street drinking. This includes areas in Liverpool, Wirral, Leeds, and Rotherham, amongst others. I must say that during my visit and observations in Wilmslow Road, I did not notice anyone drinking alcohol in the street.

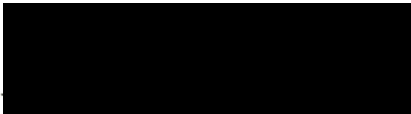
32. I would have reasonably expected to have observed people drinking alcohol in the street or maybe congregating on benches or small walls, drinking alcohol. I did not see or witness this, although I appreciate that such issues may occur at other times, especially late at night or in the early hours of the morning. I also did not see any signage in the other licensed shops warning customers not to drink alcohol in the street.

33. Other shops are advertising alcohol sales prominently in their window display or signage, and they sell a wide range of stronger beers, lagers and ciders, and single cans, which may be targeted and aimed at student population and/or street drinkers. Fallowfield Service Station will not be doing any of this. The prices of alcohol at other shops are higher than the prices that would be charged at Fallowfield Service Station, and other licensed shops are selling alcohol much later than what is being proposed by Fallowfield Service Station.

34. Based on my observations and findings, I believe that the applicant is a responsible retailer that would sell alcohol responsibly. Fallowfield Service Station is a good quality professional business with a lot of experience and, again in my view, it is extremely unlikely that this shop selling a small amount of alcohol between 8am and 10pm would cause or add to any local issues or problems in the area.

35. I do not believe that the shop would undermine the licensing objectives should it be authorised to sell alcohol.

I believe that the facts stated in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed 

Dated 13 April 2023