

LICENSING SUB-COMMITTEE

7 SEPTEMBER 2023

PRESENT

Councillor J. Holden (in the Chair).
Councillor J. Lloyd

In attendance

J. Parry – Locum Litigation Lawyer
J. Pickup – Senior Licensing Officer
U. Crotty – Licensing Officer
S. Hilton – Licensing Officer
N. Owen – Governance Officer

4. **APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT BAR ON WHEELS LTD, UNIT C39 EASY ACCESS SELF STORAGE, BARTON DOCK ROAD, TRAFFORD, MANCHESTER M41 7ZA**

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a new premises licence for Unit C39, Easy Access Self Storage, Barton Dock Road, Trafford Park, Manchester, M41 7ZA which had attracted representations from an individual and Trading Standards, Trafford Council.

RESOLVED –

- 1) That the application by Bar on Wheels Ltd for the grant of a new premises licence for Unit C39 Easy Access Self Storage, Barton Dock Road, Trafford Park, Manchester, M41 7ZA be granted subject to compliance with the conditions outlined in the decision notice.
- 2) That the issue of the Licence be delegated to the Head of Regulatory Services.

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub Committee Councillor J. Holden (Chairperson)
Members: Councillor J. Lloyd

Applicant: Bar On Wheels Ltd

Type of Licence: Grant of a new Premises Licence: Bar On Wheels, Unit C39 Easy Access Self Storage, Barton Dock Road, Trafford Park, Manchester, M41 7ZA

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Representors: Trading Standards
Elizabeth Pritchard

Resident
Yauvan Chirag Patel

Parties Present: On behalf of the Applicant
Chris Lucan – Advocate for applicant
Hemant Bansal – Designated Premises Supervisor

Officers
James Parry – Locum Litigation Lawyer
Jade Pickup – Senior Licensing Officer
Ursula Crotty – Licensing Officer
Stacey Hilton – Licensing Officer
Natalie Owen – Governance Officer

Date of Hearing: 07 September 2023
Time Commence: 6.35 p.m.
Time Terminated: 6:45 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee noted that the representation received from Trading Standards had been withdrawn prior to the meeting.

The Sub-Committee decided that the representation received from an individual was not a valid representation and was vexatious as no address was provided of where the alleged under-age sales took place and the allegation is inconsistent with the proposed DPS being granted a personal licence by Wigan Council in August 2023 where a conviction for that offence must have been taken into account in determining the application.

To grant a new premises licence as follows:-

Alcohol – Off sales
Monday - Sunday 00:00 – 23:59

CONDITIONS

Any mandatory conditions which must be included under the Licensing Act 2003

1. No sales of alcohol may be made directly to the public from the premises.
2. No members of the public shall be permitted access to the premises to purchase alcohol.

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3. No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises or in relation to the business operation, 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. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival.

5. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.

6. All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

7. 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.

8. 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, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

9. To ensure that persons purchasing alcohol via the on-line platform are over the age of 18, the company shall ensure that customers are aware that proof of ID will be a condition of sale and must be provided prior to receipt of any alcohol, delivery drivers will be instructed to ensure that the end consumer is the same individual that placed the order or no delivery shall take place.

10. All members of staff shall receive alcohol related training which shall include Challenge 25 and recognizing signs of intoxication. The training shall be recorded and retained by the licence holder and must be made available to authorised officers on request. Refresher training must be carried out every six months.

11. Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.

12. Age Verification Policy - On & Off Age Verification Policy (applies for the sale or supply of alcohol On or Off the premises)

(i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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(ii) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(iii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

Conditions agreed with Trading Standards

13. Age verification tick box must be completed, and date of birth must be obtained before any purchase of age-restricted goods on website, mobile app and telephone order forms.

14. Purchasers of age-restricted goods on website, mobile app or telephone orders must be informed when placing an order that age verification will be required upon delivery. For telephone orders this statement must be given verbally and confirmed on telephone order forms.

15. A 'Challenge 25' policy shall be operated on the premises at all times. The policy must be understood by all employees and delivery drivers. The policy will be documented, read and signed by all individuals working for the business to indicate that they understand it.

16. All packages containing age-restricted goods shall be clearly labelled with the following warning: "Challenge 25: this package contains an 18+ restricted product – do not deliver to persons under 18". This warning is to be placed next to the address label.

17. Challenge 25 to be operated and applied to all deliveries of age-restricted products by drivers. Age verification of persons who appear to be under 25 years of age to be undertaken at point of delivery on all occasions. Proof of age to be determined by means of either a passport, photographic driving licence or PASS approved proof of age card only. These checks must be made for every delivery of age-restricted products regardless of previous checks.

18. Each driver is to maintain a refusals log which is to be kept up to date with a record of all refusals to deliver age-restricted products in accordance with the Challenge 25 policy by that driver. A copy of these logs are to be collated weekly by the designated premises supervisor and maintained in a file. This file is to be made available immediately upon request of an authorised officer of Trafford Council or GMP.

19. The designated premises supervisor will maintain a file containing all the relevant material which relates to preventing the sale of age-restricted products to underage persons. The contents of the file will be used in the course of providing training to staff on that subject.

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20. Training on the law relating to underage sales is to be provided to all new employees and delivery drivers prior to commencement of their employment and/or deliveries. The designated premises supervisor is to keep a written record of all training provided and employees and delivery drivers are to sign and date the record to confirm that the training has been received and understood.

21. Refresher training is to be provided, at least every three months, to all existing employees and delivery drivers, on the law relating to underage sales. The designated premises supervisor is to keep a written record of all training provided and employees and delivery drivers are to sign and date the record to confirm that the training has been received and understood.

22. Training records are to be made available immediately upon request of an authorised officer of Trafford Council or GMP.

23. The designated premises supervisor is to maintain a file recording details of any allegations of the sale of age-restricted products to underage persons from the premises that have been reported to the business (including notifications from Trafford Council). Any remedial action undertaken following such a report is also to be recorded in the file. This file is to be made available immediately upon request of an authorised officer of Trafford Council or GMP.

24. Notwithstanding Conditions above, when using third party couriers, all consignments of alcohol will be dispatched through reputable couriers only.

LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

The Sub-Committee considered the Licensing Act 2003 and regulations, the Guidance and the Council's Licensing Policy and the application, together with the information provided by all parties at the hearing.

The Sub-Committee was satisfied that the statutory requirements regarding notices, advertisements and time limits had been complied with.

The Sub-Committee considered the submissions from all parties present and granted the premises licence.

5) APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT UNIT E24 EASY ACCESS STORAGE, BARTON DOCK ROAD, TRAFFORD PARK, MANCHESTER M41 7ZA

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a new premises licence for Unit E24 Easy Access Self Storage, Barton Dock Road, Trafford Park, Manchester, M41 7ZAa which had attracted a representation from an individual. All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Mr. Semper.

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RESOLVED –

- 1) That the application by Whisky Circle Ltd for the grant of a new premises licence for Unit E24 Easy Access Self Storage, Barton Dock Road, Trafford Park, Manchester, M41 7ZA be granted subject to compliance with the conditions outlined in the decision notice.
- 2) That the issue of the Licence be delegated to the Head of Regulatory Services.

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub Committee Members: Councillor J. Holden (Chairperson)
Councillor J. Lloyd

Applicant: Whisky Circle Ltd

Type of Licence: Grant of a new Premises Licence: Unit E24 Easy Access Self Storage, Barton Dock Road, Trafford Park, Manchester, M41 7ZA

Representors: Individual
Hemanat

Parties Present: On behalf of the Applicant
Nick Semper – Consultant

Officers
James Parry – Locum Litigation Lawyer
Jade Pickup – Senior Licensing Officer
Ursula Crotty – Licensing Officer
Stacey Hilton – Licensing Officer
Natalie Owen – Governance Officer

Date of Hearing: 07 September 2023

Time Commence: 6:50 p.m.

Time Terminated: 7:05 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee decided that the representation received from an individual was a vexatious representation which is also redundant as the applicant is a corporation not subject to immigration control and the subject of the objection is no

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longer an officer of the company with effect from 20th August 2023 as certified by Companies House records.

To grant a new premises licence as follows:-

Alcohol – Off sales

Monday - Sunday 00:00 – 23:59

CONDITIONS

Any mandatory conditions which must be included under the Licensing Act 2003

1. No members of the public shall be permitted access to the premises to purchase alcohol.
2. No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises or in relation to the business operation, which can reasonably be considered to condone, encourage, or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.
3. Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.
4. The premises will maintain a refusals log. Every refusal for the supply of alcohol is to be documented in the refusals log.
5. Alcohol consumption will not be permitted on the premises.
6. All staff will receive training in regards to their responsibilities in accordance with the Licencing Act 2003 and the promotion of the Licencing objectives including Challenge 25.
7. Staff shall receive documented refresher training at least once every 6 months. All training records are to be signed by the Designated Premises supervisor and trainer. No staff will work at the premises until relevant training compliance is met. All training documents are to be retained and made readily available to responsible authorities upon request.
8. A daily incident log and refusals log shall be kept at the premises for a period of at least 12 months, this will be made readily available upon request by responsible authorities.

The incident log will record the following:

- (a) all crimes reported to the venue
- (b) any complaints received

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- (c) any incidents of disorder
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service.
- (f) any other relevant incidents to be recorded.

9. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival.

10. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.

11. Third Party delivery companies will not be permitted to deliver any alcoholic products on behalf of the premises license holder from this premises. Only staff members employed directly to the premises license holder can be authorised for the sale of alcohol by retail, for the purpose of delivery off the premises.

12. The premises shall not make any roadside deliveries. All deliveries should be delivered directly to an address with a valid door number/house name and postcode. The drop off/collection point shall match that which the order was placed to originally. Any redirection at point of drop off/collection point must be refused. Orders shall only be given to the person matching the name on the delivery post completion of ID verification checks.

13. The Challenge 25 scheme will 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 EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

14. To ensure that persons purchasing alcohol via the on-line platform are over the age of 18, the company shall ensure that customers are aware that proof of ID will be a condition of sale and must be provided prior to receipt of any alcohol, delivery drivers will be instructed to ensure that the end consumer is the same individual that placed the order, or no delivery shall take place.

Conditions agreed with Trading Standards

15. Age verification tick box must be completed, and date of birth must be obtained before any purchase of age-restricted goods on website, mobile app and telephone order forms.

16. Purchasers of age-restricted goods on website, mobile app or telephone orders must be informed when placing an order that age verification will be required upon delivery. For telephone orders this statement must be given verbally and confirmed on telephone order forms.

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17. A 'Challenge 25' policy shall be operated on the premises at all times. The policy must be understood by all employees and delivery drivers. The policy will be documented, read and signed by all individuals working for the business to indicate that they understand it.

18. All packages containing age-restricted goods shall be clearly labelled with the following warning: "Challenge 25: this package contains an 18+ restricted product – do not deliver to persons under 18". This warning is to be placed next to the address label.

19. Challenge 25 to be operated and applied to all deliveries of age-restricted products by drivers. Age verification of persons who appear to be under 25 years of age to be undertaken at point of delivery on all occasions. Proof of age to be determined by means of either a passport, photographic driving licence or PASS approved proof of age card only. These checks must be made for every delivery of age-restricted products regardless of previous checks.

20. Each driver is to maintain a refusals log which is to be kept up to date with a record of all refusals to deliver age-restricted products in accordance with the Challenge 25 policy by that driver. A copy of these logs are to be collated weekly by the designated premises supervisor and maintained in a file. This file is to be made available immediately upon request of an authorised officer of Trafford Council or GMP.

21. The designated premises supervisor will maintain a file containing all the relevant material which relates to preventing the sale of age-restricted products to underage persons. The contents of the file will be used in the course of providing training to staff on that subject.

22. Training on the law relating to underage sales is to be provided to all new employees and delivery drivers prior to commencement of their employment and/or deliveries. The designated premises supervisor is to keep a written record of all training provided and employees and delivery drivers are to sign and date the record to confirm that the training has been received and understood.

23. Refresher training is to be provided, at least every three months, to all existing employees and delivery drivers, on the law relating to underage sales. The designated premises supervisor is to keep a written record of all training provided and employees and delivery drivers are to sign and date the record to confirm that the training has been received and understood.

24. Training records are to be made available immediately upon request of an authorised officer of Trafford Council or GMP.

25. The designated premises supervisor is to maintain a file recording details of any allegations of the sale of age-restricted products to underage persons from the premises that have been reported to the business (including notifications from Trafford Council). Any remedial action undertaken following such a report is also to be recorded in the file. This file is to be made available immediately upon request of an authorised officer of Trafford Council or GMP.

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26. Notwithstanding Conditions above, when using third party couriers, all consignments of alcohol will be dispatched through reputable couriers only.

LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

The Sub-Committee considered the Licensing Act 2003 and regulations, the Guidance and the Council's Licensing Policy and the application, together with the information provided by all parties at the hearing.

The Sub-Committee was satisfied that the statutory requirements regarding notices, advertisements and time limits had been complied with.

The Sub-Committee considered the submissions from all parties present and granted the premises licence.

The meeting commenced at 6.35 pm and finished at 7.05 pm