

LICENSING SUB-COMMITTEE

24 JULY 2024

PRESENT

Councillor J. Holden (in the Chair).
Councillors J.D. Newgrosh

In attendance

Natalie Owen – Democratic Services
James Parry – Legal Services
Ursula Smith – Licensing Officer
Stacey Hilton – Licensing Officer

2. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT: ASDA EXPRESS PFS SEVENWAYS, BRADFIELD ROAD, STRETFORD, MANCHESTER M32 9RH.

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a new premises licence for Asda Express PFS Sevenways, Bradfield Road, Stretford, Manchester, M32 9RH which had attracted representations from residents. All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Mr. Eccles, Asda National Licensing Manager.

RESOLVED –

- 1) That the application by Euro Garages Limited for the grant of a new premises licence for Asda Express PFS Sevenways, Bradfield Road, Stretford, Manchester, M32 9RH be granted.
- 2) That the issue of the Licence be delegated to the Head of Regulatory Services.

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub-Committee Members Cllr J Holden (Chair)
Cllr J. Newgrosh

Application for the Grant of a Premises Licence

Type of Licence Premises Licence – ASDA Express PFS, Sevenways, Bradfield Road, Stretford, M32 9RH

Parties Present Officers:
Natalie Owen – Democratic Services
James Parry – Legal Services
Ursula Smith – Licensing Officer
Stacey Hilton – Licensing Officer

**Licensing Sub-Committee
24 July 2024**

Applicant:

Richard Taylor – Applicant's Agent

Neil Eccles – ASDA National Licensing Manager

Date of Hearing Wednesday 24th July 2024

Time Commenced 18:30

Time Terminated 18:40

LICENSING SUB-COMMITTEE DECISION

This was an application for a premises licence which was referred to the sub-committee in circumstances where three representations were received objecting to the grant of the licence.

The Sub-Committee resolved to GRANT the licence.

SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

We are in receipt of an application for the grant of a premises licence in respect of an ASDA convenience store which forms part of a fuel filling station situated on the Sevenways roundabout in Stretford. Bradfield Road runs towards the roundabout at the southern boundary of the site and Derbyshire Lane West is situated to the north.

There are no extant representations from any responsible authority.

Three representations have been received from members of the public who reside on Derbyshire Lane West. All of those representations raise objections to the grant of the premises licence on the grounds that:

- There is a large group of drug users in the area in circumstances where the objectors perceive that the grant of a premises licence will contribute to an increase in such use.
- There are problems connected with anti-social behaviour connected to drug use in the nearby park and school.
- The Sevenways Church runs a number of clubs and workshops in circumstances where the objectors perceive that the persons who attend those clubs and workshops will cease to do so in the event that a premises licence is granted.
- The objectors perceive that the making of off sales will contribute to an increase in driving with the excess alcohol.
- The grant of a premises licence to the applicant may have an impact on other licenced premises in the immediate locality.

**Licensing Sub-Committee
24 July 2024**

The objectors did not appear and were not represented.

We are required to consider in the first instance whether those representations are relevant to the promotion of the licensing objectives and not frivolous or vexatious pursuant to the requirements of section 18(6) and (8) of the Licensing Act 2003. There is no statutory definition of what amounts to a “vexatious representation” although applying the ordinary definition of that term it would embrace a representation which was designed to frustrate or misuse the offices of the Licensing Authority. There is a statutory definition of what amounts to a “relevant representation” which is one that goes to the promotion of the licensing objectives or the suitability of the designated premises supervisor, amongst other things.

We were satisfied that the objections were not vexatious and fell to be considered by us, however we reminded ourselves that we were not permitted to consider issues of supply and demand when determining an application for a premises licence and could not take into account the impact that the grant or refusal of a premises licence would have on any other business in the locality.

We took notice of the absence of any representation from any responsible authority. That is particularly significant given the ability of Greater Manchester Police to draw attention to any relevant anti-social behaviour or criminal activity in the area and to raise any concerns as to an anticipated rise in the incidents of driving with excess alcohol in the area.

We heard that the premises has been operating as a filling station and convenience store for 10 years during which it has been open 24 hours per day, seven days per week.

Having considered the representations made to us, we were unable to conclude that the grant of a premises licence that enabled the sale of alcohol for consumption off the premises was likely to cause an increase in crime or disorder within the locality of the premises or at all. The objectors did not provide us with any relevant evidence that was capable of persuading us that the mischiefs they fear would be caused by the grant of the premises licence sought within this application.

We noted that it is now commonplace for convenience stores located on filling station forecourts to be licenced to sell alcohol for sale of the premises. We could find nothing within the circumstances of this application or the objections that had been received that established any increased risk of an increase in crime and disorder in respect of these premises than would apply in any other similar case.

We were satisfied that the conditions that will be imposed on the face of the licence and within the operating schedule are such as to be able to uphold all of the licensing objectives.

We therefore resolved to GRANT the application for a premises licence in the terms set out within the application.

**Licensing Sub-Committee
24 July 2024**

RIGHT OF APPEAL

Anyone with sufficient interest in this matter may appeal to the Manchester and Salford Magistrates' Court, Crown Square, Manchester M60 1PR within 21 days from the date of this notice.

The meeting commenced at 6.30 pm and finished at 6.40 pm