

LICENSING SUB-COMMITTEE

22 OCTOBER 2024

PRESENT

Councillor E.L. Hirst (in the Chair).
Councillor J. Holden

In attendance

J. Parry Locum Litigation Lawyer,
P. Coker Legal Assistant,
S. Hilton Licensing Officer,
U. Smith Licensing Officer,
N. Owen Democratic Officer

5. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT ESSAR CHAPEL LANE SERVICE STATION, CHAPEL LANE, SALE M33 5PJ.

The Head of Regulatory Services submitted a report informing members of an application for the grant of a premises licence for Essar Chapel Lane Service Station, Chapel Lane, Sale, M33 5PJ which had attracted representations from local residents.

Representations were made in support of the application by Mr. Burke, the applicant's agent and Mr. Dhanabal, the applicant and against the application by local residents L Thompson, W Whyatt and W Hurst.

RESOLVED -

- (1) That the application for the grant of a premises licence 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 E. L. Hirst
Members: Councillor J Holden

Applicant: Amma Garages Limited

Type of Licence: Grant of a Premises Licence: Essar Chapel Lane Service Station, Chapel Lane, Sale, M33 5PJ

Representors: Local Residents
 V Richardson
 I Cort

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K McCallum
F Gardiner
J Sankey
S Sturgess
C Jones
K Morris
K Prayle
W Whyatt
D Gent
G Gent
S Bolton
J Cripps
B Gent
K Christie
L Bitton
L Thompson
W Hurst
E Dawson
S Toop
S Byron
T Bolton
M Ritchie
A Armstrong
J Brumell-Johnson
G Peel
J Withington
M Calvert

Parties Present: Local Residents

L Thompson
W Whyatt
H Christie
G Peel
M Calvert

On behalf of the Applicant
M Dhanabal – Applicant
P Burke – Applicant’s Agent

Officers
Stacey Hilton – Licensing Officer
Ursula Smith – Licensing Officer
James Parry – Locum Litigation Lawyer
Natalie Owen – Democratic Officer

Date of Hearing: 22 October 2024
Time Commence: 6:30 p.m.
Time Terminated: 7.30 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee decided that the representations received from local residents were valid representations as they related to Public Nuisance, prevention of Crime and Disorder, protection of children from harm and public safety.

DECISION

The Sub-Committee resolved to grant a premises licence as follows:-

Late Night Refreshment - Outdoors

Monday to Sunday 23:00 – 23:59

Alcohol – Off sales

Monday to Sunday 06:00 – 23:59

Opening Hours

Monday to Sunday 06:00 – 23:59

CONDITIONS

In addition to the statutory mandatory conditions the licence is subject to the following conditions:

1. No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.
2. All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid.
3. Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise.
4. Invoices, or copies of invoices, for all alcohol and tobacco purchases for the sale at the premises, will be retained and kept at the premises, and made available to officers from ALL Responsible Authorities upon request.
5. If any tobacco products purchased for or on behalf of the business does not have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Council Trading Standards and HMRC as soon as possible.
6. All persons involved in the sale of alcohol, who are not personal licence holders, will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training

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- provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.
7. Training records will be maintained at the premises and made available to all responsible authorities on request.
 8. Between the hours 00:00 - 05:00 all sales will be via the security hatch.
 9. The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.
 10. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to all Responsible Authorities upon request.
 11. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognised format any information requested all Responsible Authorities.
 12. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).
 13. A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.
 14. All CCTV images will be retained for a period of not less than 31 days.
 15. An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded and made available to all Responsible Authorities on request. All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.
 16. A fire risk assessment will be carried out and updated on an annual basis.
 17. Prominent signs will be displayed requesting customers to have regard for local residents when leaving the premises.
 18. Adequate bins are available for customers to dispose of litter.
 19. A Challenge 25 policy will be adopted in order to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland Photocard

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Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.

20. Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at; each till, each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.
21. A Refusals Register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The Refusal/Challenge Register is to be checked and signed off by the Designated Premises Supervisor every two weeks.
22. All staff, who are not Personal Licence holders, working at the premises involved in the sale of age restricted products including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will also include a written test of knowledge. The Training records must be made available to authorised officers of responsible authorities on request. Records shall be retained at the premises.
23. The lighting emitted from the premises during the period between 2300 and 0700 hours shall be suitably controlled so as not to result in a public nuisance.
24. No deliveries or collections relating to licensable activities at the premises shall take place between the hours of 2100 and 0800 hours on any day.

SUB-COMMITTEE'S REASONS

We have had the benefit of considering the licensing officer's report, the application, one representation from a responsible authority, Environmental Health and 28 representations from members of the public. We had the benefit of hearing oral representations from:

1. Ms. Wyatt
2. Mr. Thompson
3. Ms. Hurst

The Essar Lane Service Station stands on junction of Chapel Lane and Green Lane at the crossroads with Greenbank Road in Sale. It has not operated as a service station for two years. The car wash business has operated for a considerable period of time, it is not connected to the Applicant's business and has been ordered by the Court's to vacate the premises by February 2025.

Immediately to the north of the service station on the other side of Chapel Lane is a bookmakers shop and a CoOp Convenience store.

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There is residential housing to rear of the service station running down Chapel Lane to the east.

There is also residential housing running down the eastern side of Green Lane to the south of the service station.

On the western side of Green Lane opposite the service station are business premises with a substantial car park. There is a further car park and charging station to the rear of those premises. There is a further parade of shops running along the western side of Green Lane to the north of the service station which includes three restaurants, a café and opticians. There are residential premises behind those businesses.

The applicant seeks to re-open the premises with the support of Londs as a “quality convenience store” selling alcohol alongside other produce as well as a 24 hour filling station. We reminded ourselves at the outset that:

1. We are only able to consider regulated activities, such as the sale of alcohol. In such circumstances we cannot regulate the operation of the premises as a filling station.
2. We must not consider issues regarding the need for a further convenience store in that area, issues of competition being a matter for the business owners in circumstances where we must confine our decision to the promotion of the licensing objectives.

We noted that the proposed activity and the nature and layout of the proposed licence premises was similar to many similar licensed outlets that operate within the Borough and elsewhere.

We noted that Environmental Health had submitted a representation concerning issues of public nuisance, namely the possibility of the emission of light from the forecourt presenting a nuisance to the nearest residential property, the creation of litter and the avoidance of undue noise. We formed the opinion that the conditions 18, 23 and 24 above were adequate to abate the risk of such nuisance and were sufficient to promote the licensing objectives and noted that the representation had been withdrawn.

We noted that during the meeting the Applicant agreed to modify the operating hours to 06:00 to 23:59 each day, a reduction from the 24 hour operation that had previously been sought.

We received and considered 29 written representations from members of the public. Of those, 24 raised issues relating to competition and capacity pointing out that there was a CoOp and Tesco and other licensed premises nearby which sell alcohol. As we have already mentioned, we are not able to consider issues of capacity or competition from other licensed premises and whilst we accept that there are other licensed premises in the area and therefore we must and have disregarded the objections on those grounds.

Eleven of the representations raised issues of anti-social and criminal behaviour. Some of the representors raised issues as to pre-existing anti-social behaviour as a result of the consumption of alcohol obtained from other licensed premises. Nothing within those representations pointed to anti-social behaviour emanating from the premises that formed the subject of this application. We formed the opinion that there was nothing that could properly infer that any pre-existing criminal or anti-social behaviour could properly be attributed to the applicant or the proposed licence activities. We further considered that the proposed conditions and the service of alcohol via a hatch rather than in the store during nighttime hours was sufficient to address the licensing objectives. In reaching our conclusion we took into account that there had been no representations from Greater Manchester Police or any other responsible authority in respect of crime and disorder or anti-social behaviour.

We noted that two representors made reference to the jet washing business that has operated on the site for some time. One of those representors stated that car wash operatives were living on site. Reference was also made to spray and noise from the site and the smell of urine. The washing of cars is not a regulated activity we are able to regulate as a Licensing Sub-Committee and additionally that business does not appear to be that of the applicant. We must therefore disregard those representations for the purposes of this application.

None the less we do have concerns about persons living on site at car wash businesses as there is a body of evidence that when that occurs, it can be linked to exploitative conduct such as trafficking and the employment of persons without a right to work in the UK. We have therefore asked the licensing officers to refer those allegations to the appropriate authorities.

Having taken all those matters into account we resolved to grant the licence with the additional conditions that appear above.

RIGHT OF APPEAL

The Applicant and any person who made representations in this matter has a right of appeal against our decision to the Manchester Magistrates Court.

Any such appeal must be commenced within 21 days from the date this notice was provided to the appellant. A court fee may be payable, depending on the circumstances of the appellant. Manchester Magistrates Court can be communicated with at:

Manchester Magistrates Court
Crown Square
Manchester
M60 1PR

Tel: 0161 830 4200
E mail: GMManMags@justice.gov.uk

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The meeting commenced at 6.30 pm and finished at 7.30 pm