

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 7th September 2023
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

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

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Unit E24 Easy Access Storage, Barton Dock Road, Trafford Park, Manchester M41 7ZA having regard to representations received and the requirement to promote the four licensing objectives.

Recommendation(s)

The following options are open to the Licensing Sub-Committee;

- (i) To grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions.
- (ii) To grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
- (iii) To reject the application.

Contact person for access to background papers and further information:

Name: Stacey Hilton, Licensing Officer.
Contact: Licensing@trafford.gov.uk

Background Papers: None.

Appendices: A) Application for a New Premises Licence
B) Representation
C) Companies House Records

1.0 APPLICATION

1.1 A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- The sale of alcohol
- The supply of alcohol (in respect of a club)
- Regulated entertainment
- The provision of late night refreshment

This application was submitted by, Whiskey Circle Ltd in respect of Unit E24 Easy Access Storage, Barton Dock Road, Trafford Park, Manchester M41 7ZA

1.2 The applicant has applied for the following licensable activities:

Alcohol – Off

Monday - Sunday - 00:00 - 23:59

1.3 The application has been properly made and all procedures correctly followed. The application including operating schedule has been attached as **Appendix A**.

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The applicant has described the premises as: Storage Unit

3.0 OPERATING SCHEDULE

3.1 The operating schedule is completed by the applicant and contains additional measures to illustrate how they propose to promote the four licensing objectives as required by provision of the Licensing Act 2003. They are listed below and will be attached as conditions to any licence as may be granted:

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
- (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.

3.2 The below conditions were proposed by the applicant after correspondence with Trading Standards during the consultation period, conditions shall be attached to the licence if granted:

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.

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

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.

4.0 CONSULTATION

- 4.1** The responsible authorities included in consultation are; Greater Manchester Police, Greater Manchester Fire & Rescue, Environmental Health & Pollution Control, Building Control, Health and Safety Team, Home Office Immigration Enforcement, Planning Department, Safeguarding Children Team, Trading Standards and Public Health.
- 4.2** A representation has been received from a member of the public in relation to: Prevention of Crime and Disorder, Public Safety, Public Nuisance and The Protection of Children from Harm. Representation is attached as **Appendix B**.
- 4.3** The Sub Committee is invited to note that the objection concerns the right to work of a named individual who was formerly the applicant's company secretary and sole director. Companies House records show that the subject of the objection is not engaged in either role with effect from the 20th August 2023, attached as **Appendix C**
- 4.4** The Sub Committee is invited to note that the applicant is a limited company incorporated in England and Wales and in such circumstances it is not necessary for the applicant to provide evidence of a right to work, as those provisions of the Licensing Act 2003 do not apply to corporate applicants.

- 4.5** The Sub Committee is reminded that a representation may be deemed frivolous or vexatious pursuant where it has been made by an individual pursuant to section 18(7)(c) of the Act where the representation does not have any serious purpose or value or where the application is brought without sufficient grounds for winning, purely to cause annoyance to the other party.
- 4.6** In the event the sub-committee determines the representation to be vexatious, it cannot be considered further and should be disregarded.
- 4.7** A copy of the report and the representation received have been sent to the applicant.
- 4.8** Those that have made a representation have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.

5.0 LEGAL CONSIDERATIONS

- 5.1** Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.
- 5.2** The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probabilities and any decision should be based on the individual merits of the application.
- 5.3** The Sub-Committee, in arriving at its decision; must have regard to relevant provisions of national guidance and its own statement of licensing policy and reasons should be given for any departure.
- 5.4** There is a right of appeal to the Magistrates Court within 21 days from the date the Applicant is notified of the decision of the Licensing Sub-Committee.