

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: Wednesday 24th July 2024
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: Asda Express PFS Sevenways, Bradfield Road, Stretford, Manchester M32 9RH.

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Asda Express PFS Sevenways, Bradfield Road, Stretford, Manchester M32 9RH 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: Ursula Smith, Licensing Officer.
Contact: Licensing@trafford.gov.uk

Background Papers: None.

Appendices:
A) Application for a New Premises Licence
B) Photograph of Blue Notice & Copy of Newspaper Advert
C) Additional Conditions agreed with Environmental Health
D) Representations

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 Euro Garages Limited, in respect of Asda Express PFS Sevenways, Bradfield Road, Stretford, Manchester M32 9RH.

1.2 The applicant has applied for the following hours:

Late Night Refreshment – Indoors and Outdoors:

Monday - Sunday 23:00 – 05.00

Alcohol – Off the premises:

Monday - Sunday 00:00 - 24:00

Opening Hours:

Monday - Sunday 00:00 - 24:00

1.3 The application has been properly made and all procedures correctly followed. The application including operating schedule has been attached as **Appendix A**. Photographs of the blue notice in place and copy of newspaper advert are attached as **Appendix B**.

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The applicant has described the premises as: 'a convenience store/petrol filling station.'

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. Staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators shall have additional training in the sale of alcohol.

2. All spirits will be displayed behind the counter.

3. No miniature bottles of spirits of 20cl or below shall be sold from the premises. Please note this does not apply to pre-packaged gift packs which may contain a spirit miniature.

4. A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. The system will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'. All spirits will be displayed behind the counter.

5. The premise licence holder seeks to comply with the requirements of the health and safety legislation.

6. The store will have a till prompt system for alcohol products. When prompted, staff will adopt a Challenge 25 proof of age scheme. Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale.

7. Notices are to be prominently displayed advising customers of the Challenge 25 policy.

3.2 The below conditions were agreed by the applicant after correspondence with the Responsible Authorities (Environmental Health) during the consultation period, attached as **Appendix C**. These conditions shall be attached to the licence if granted:

8. A clear and legible notice must be prominently displayed close to the 'night hatch' requesting that customers respect local residents by minimising the noise they are generating during the night-time, worded along the lines of "Customers are reminded that this is a residential area and politely asked to keep noise to an absolute minimum".

9. No noise shall emanate from the premises in connection with the undertaking of licensable activities, that gives rise to a nuisance.

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 Of those consultees identified in paragraph 4.1, no representations were received other than the representation received at 3.2.

4.3 In response to the public consultation, the Licensing Authority received three objections to the grant of the licence – attached at Appendix D(1-3)

4.4 A copy of the report and the representations received have been sent to the applicant.

4.5 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.