

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 22nd October 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 ESSAR CHAPEL LANE SERVICE STATION, CHAPEL LANE, SALE M33 5PJ.

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Essar Chapel Lane Service Station, Chapel Lane, Sale M33 5PJ 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

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, Amma Garages Ltd in respect of Essar Chapel Lane Service Station, Chapel Lane, Sale M33 5PJ.

1.2 The applicant has applied for the following hours:

Late Night Refreshment – Outdoors

Monday - Sunday 23:00 - 05:00

Alcohol – OFF

Monday - Sunday 00:00 - 23:59

Opening Hours

Monday - Sunday 00:00 - 23:59

1.3 The application has been properly made and all procedures correctly followed. During consultation, a local resident raised that the address was listed as number 6 in error. The application was resubmitted, and the consultation period was extended by a further 28 days. The application including the operating schedule has been attached as **Appendix A**.

1.4 A plan of the premises has been attached as **Appendix B**.

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The applicant has described the premises as: "This previously traded as a Petrol/Service Station we aim to re-open with the support of Londis as a quality general store and selling alcohol alongside other service available."

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 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 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 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.

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

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.

4.0 **CONSULTATION**

- 4.1 The responsible authorities included in the 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 additional agreed conditions in 3.2.
- 4.3 In response to the public consultation, the Licensing Authority received 29 objections to the grant of the premises licence. These are attached as **Appendix D**.
- 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.

Appendices

- A) Application for a New Premises Licence
- B) Plan of Premises
- C) Agreed Conditions with Environmental Health
- D) Representations against