

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 27 September 2021
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 A M MINI MART, 173 CANTERBURY ROAD, URMSTON, M41 0SE

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of A M Mini Mart, 173 Canterbury Road, Urmston, M41 0SE 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: Katie Armstrong, Licensing Officer.
Contact: Licensing@trafford.gov.uk

Background Papers: None.

Appendices:
A) Amendment of Hours
B) Application for New Premise Licence
C) Photograph of Blue Notice & Copy of Newspaper Advert
D) Representations
E) Supporting documents

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, Ian Rushton, JL Licence and Retail on behalf of Ali Aftab Ahmed in respect of A M Mini Mart, 173 Canterbury Road, Urmston, M41 0SE.

1.2 The applicant has applied for the following hours:

Supply of Alcohol (Off)

Monday – Sunday 06:00 – 23:00

An extra hour until 00:00 on Bank Holidays, Christmas Eve, New Year's Eve and Sundays immediately preceding a Bank Holiday Monday.

Opening Hours

Monday – Sunday 06:00 – 23:00

An extra hour until 00:00 on Bank Holidays, Christmas Eve, New Year's Eve and Sundays immediately preceding a Bank Holiday Monday.

The applicant has further amended the opening hours during consultation period.

Opening Hours

Monday – Sunday 08:00 – 22:00

This is attached as **Appendix A**

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

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The premises is described in the application as “a new business venture and the site, currently empty, is to be refurbished to become a modern and professional general convenience store selling a wide range of goods including newspapers, magazines, groceries, soft drinks, cigarettes, dairy goods, snacks, confectionery, etc. The shop was previously licensed (as McColl's) from September 2016 until August 2020 when the licence was surrendered. It is well positioned within a parade of shops. The licensed hours will be the same as previous. The applicant would like to include some alcohol sales to allow the business to offer the complete all-round convenience service. The focus of the

shop will be as a general convenience store with the proposed alcohol sales just being a part of the overall business.”

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:

Prevention of crime and disorder

A CCTV camera system capable of providing evidential quality images in all lighting conditions shall be used covering the interior and the immediate exterior (entrance) of the shop. Images will be retained for a period of at least 28 days and be made available to the Police upon request within a reasonable time period (meaning 48 hours) and in accordance with data protection legislation.

All staff selling alcohol shall be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop for inspection.

Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book(s) kept at the premises. This book will be kept available for inspection.

Spirits will be kept behind the counter.

Public safety

Appropriate fire safety equipment to be available;

The PLH shall comply with other legislative requirements to ensure that the shop is safe for customers and staff.

Public nuisance

The DPS and staff will be vigilant and monitor the area immediately outside the shop to check that youths are not causing annoyance by congregating.

Deliveries to the premises will be arranged so as not to cause any public nuisance.

Notices will be on display in the premises asking customers to leave the premises quietly.

Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.

Protection of children from harm

Challenge 25 shall be adopted and signage shall be on display.

Anyone who appears to be under 25 years old who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.

A staff training scheme shall be used for staff authorised to sell alcohol. The training will cover responsible retailing including preventing under age sales. Refresher training will be provided every 12 months, records will be kept and be made available to responsible authorities

A refusals register will be kept and be available for inspection by responsible authorities.

Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

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.
- 4.3 A representation from local residents and one local councillor have been received in respect of prevention of public nuisance and prevention of crime and disorder, attached as **Appendix D**.
- 4.4 A copy of the report and the representations received has been sent to the applicant. The applicant has corresponded with the representors and wished to have his correspondence included, attached as **Appendix E**.
- 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.