

LICENSING, ENVIRONMENT & SAFETY SUB-COMMITTEE B

Meeting: 3 May 2023

At: 6.00 pm

PRESENT

Councillor Matt Wynne (Chair), Councillor , Councillors Shan Alexander and Stuart Corris

1. MINUTES

The minutes of the meeting held on 22 February 2023 were approved as a correct record and signed by the Chair.

2. DECLARATIONS OF INTEREST

Councillors and officers were invited to declare any interests which they had in any of the items on the agenda for the meeting.

No declarations were made.

3. PUBLIC QUESTION TIME

No public questions were submitted.

4. EXCLUSION OF THE PUBLIC AND PUBLIC INTEREST TEST

RESOLVED – That in order to prevent the disclosure of information which had been classified as ‘not for publication’ by virtue of it containing material which related to an individual, the public be excluded from that part of the hearing during which CCTV evidence was being displayed in accordance with Section 14(2) of The Licensing Act 2003 (Hearings) Regulations 2005. The Sub-Committee was satisfied that, in the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

5. APPLICATION TO VARY THE PREMISES LICENCE AT DA SHOP, 15-19 WORCESTER ROAD, CHEADLE HULME

A representative of the Director of Place Management submitted a report (copies of which had been circulated) detailing an application from Da Shop to vary the premises licence under the Licensing Act 2003 at Da Shop, 15-19 Worcester Road, Cheadle Hulme, SK8 5NW, to vary the Premises Licence so as to:

- Increase the hours for the sale of alcohol off the premises to 00:00 -23:59 effectively turning into a 24hr operation licensable activities Monday to Sunday.
- Increase the hours of late night refreshments (outside) from 2300 -0500
- Add appropriate and proportionate conditions to Annexe 2 of the Licence

The applicant attended the meeting and answered questions in relation to the application.

An objector to the proposal, having previously submitted a written representation in relation to the application, also attended the meeting to explain the objections and answer questions in relation to the application.

The Sub Committee, having heard the interested parties, proceeded to consider the licensing objectives in respect of the application, together with the relevant parts of Stockport Council's Licensing Policy. The decision was then reached on consideration of all the arguments given in relation to this specific application.

The Sub Committee found the following:-

(i) Crime and Disorder

The Sub Committee was satisfied that relevant representations had been raised in respect of this licensing objective. Specifically, the representations raised concerns in relation to an incident in 2021 involving armed individuals entering the premises.

However, the Sub Committee was not satisfied that there was sufficient evidence to support the representation made in regard to the prevention of crime and disorder licensing objective.

(ii) Protection of Children

The Sub Committee was satisfied that no relevant representations had been raised in respect of this licensing objective.

(iii) Public Safety

The Sub Committee was satisfied that relevant representations had been raised in respect of this licensing objective. Specifically, the representations raised concerns in relation to an incident in 2021 involving armed individuals entering the premises.

However, the Sub Committee was not satisfied that there was sufficient evidence to support the representation made in regard to the promotion of public safety licensing objective.

(iv) Public Nuisance

The Sub Committee was satisfied that relevant representations had been raised in respect of this licensing objective. Specifically, the representations raised concerns around the potential for public nuisance due to the sale of alcohol between the hours of 01:00 hours and 05:00 hours in a residential area with inevitable pedestrian and vehicular traffic and accompanying noise that would be caused at this particularly noise sensitive time.

The Sub Committee felt that the conditions proposed by the applicant were largely sufficient to mitigate the concerns raised in respect of the prevention of public nuisance licensing objective. Further, that the premises already operated until 01:00 hours at present (and reopened at 05:00 hours) without issue.

Therefore, the Sub Committee, agreed to grant the application that sought the sale of alcohol (off the premises) Monday to Sunday, 00:00 hours to 23:59 hours, with a number of conditions imposed. The Sub Committee agreed to impose the conditions as proposed by the applicant. Additionally, the Sub Committee felt it was necessary and appropriate in order to promote the prevention of public nuisance licensing objective to add an additional condition onto the licence. Namely, that all delivery drivers used for the delivery of alcohol between 01:00 hours and 05:00 hours be directly employed by the premises, rather than by a third party delivery service.

Further, the Sub Committee strongly advised that there be sufficient Designated Premises Supervisor (DPS) cover at the premises (at all hours).

It was then

RESOLVED – (2 for, 1 against) (1) That approval be given to the sale of alcohol, off the premises, Monday to Sunday 00:00 hours to 23:59 hours;

(2) That approval be given to the provision of late night refreshments (outside), Monday to Sunday, 23:00 hours to 05:00 hours;

(3) That approval be given to the imposition of a condition requiring that delivery drivers used for the delivery of alcohol between the hours of 01:00 hours and 05:00 hours be directly employed by the premises;

(4) That approval be given to the imposition of the following conditions, as proposed by the applicant:-

- The premises shall be protected adequate crime prevention security measures, to include a smoke generating security device, manufactured to ISO9001 which shall be maintained, tested and serviced on a regular basis to ensure functionality in accordance with EN50131-8 compliance.
- No noise shall emanate from the premises so as to cause a nuisance to neighbouring residential properties.
- No vehicle operated by the business shall be allowed to stand idling outside the premises.
- Noise shall be constantly monitored and recorded at the frontage of the premises. Such recordings shall be retained for a period of 28 days and made available to any person specified in s13 of the Licensing Act upon demand.
- Any person causing unreasonable noise in or in the vicinity of the premises shall not be served as a customer.
- Between the hours of 01:00 and 05:00hrs:
 - (a) Customers will only be admitted to the premises upon request, and otherwise the doors shall be locked, and
 - (b) All doors and windows shall be kept closed other than for the purposes of entry and egress.
- The Premises Licence Holder shall ensure that any person who purchases from any website or app shall register with the website or app. Such registration details shall include the person's full name, full address, date of birth and phone number. Records of such registrations shall be kept for a period of 12 months and shall be produced on

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demand of the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council.

- The terms and conditions of the website or app will contain the following: -
 - a) The company will not sell alcohol to any person until it has been verified that the person is over 18 years of age.
 - b) An age confirmation requirement when registering to purchase.
 - c) Reference to the operating of a Challenge 25 policy.
 - d) That no parcels will be left by the courier if the person at the delivery address is under 18 years of age.
- The person delivering the alcohol to the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.
- Deliveries shall only be made to residential or business addresses;

(5) That the applicant be strongly advised to implement sufficient DPS cover for the premises (at all hours).

The meeting closed at 8.25 pm