


<b>Report To:</b>	<b>SPEAKERS PANEL (LIQUOR LICENSING)</b>
<b>Date:</b>	1 November 2016
<b>Executive Member / Reporting Officer:</b>	Ian Saxon – Assistant Executive Director (Environmental Services)
<b>Subject:</b>	<b>APPLICATION FOR A PREMISES LICENCE – CONVENIENCE STORE, SHOWGROUND FILLING STATION, HYDE ROAD, MOTTRAM, HYDE.</b>
<b>Report Summary:</b>	Members are requested to determine the application.
<b>Recommendations:</b>	<p>Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are:</p> <ul style="list-style-type: none"> <li>a) to grant the licence subject to – <ul style="list-style-type: none"> <li>i. such conditions that the authority considers appropriate for the promotion of the licensing objectives, and</li> <li>ii. current mandatory conditions;</li> </ul> </li> <li>b) to exclude from the scope of the licence any of the licensable activities to which the application relates;</li> <li>c) to refuse to specify a person in the licence as the premises supervisor;</li> <li>d) to reject the application.</li> </ul>
<b>Links to Community Strategy:</b>	The licensing of premises under the Licensing Act 2003 contributes towards the Community Strategy theme of providing a safe environment.
<b>Policy Implications:</b>	Members are provided with policy guidelines to assist in the decision making process.
<b>Financial Implications:</b> <b>(Authorised by the Borough Treasurer)</b>	There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.
<b>Legal Implications:(Authorised by the Borough Solicitor)</b>	Any decision to revoke a licence or impose amendments or conditions to a licence can be challenged by way of appeal (in the first instance) to the local Magistrates Court.
<b>Risk Management:</b>	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety, and also the right of an individual to earn a living
<b>Access to Information</b>	The author of the report is John Gregory – Licensing Manager:-  Telephone - 0161 342 3520

## 1. INTRODUCTION

- 1.1 Section 176 (1) and (2)(b) of the Licensing Act 2003 specifically prohibits Licensing Authorities from granting premises licences allowing the sale or supply of alcohol from premises used primarily as a garage.
- 1.2 Section 176 (4)(c) further defines a garage as a premises which is used for one or more of the following:
- 1) The retailing of petrol;
  - 2) The retailing of derv (diesel);
  - 3) The sale of motor vehicles; and
  - 4) The maintenance of motor vehicles.

## 2. REPORT

- 2.1 On 6 September 2016 the Licensing Department received an application from Motor Fuel Ltd for a premises licence under the Licensing Act 2003. The applicant has applied to licence a Convenience store for the sale alcohol and the provision of late night refreshment at Showground Filling Station, Hyde Road, Mottram, Hyde, SK14 6NG. The hours applied for can be seen in the application attached at **Appendix 1**.

## 3. REPRESENTATIONS & EVIDENCE SUBMITTED

- 3.1 Representations to this application have been received from Tameside MBC Licensing, Tameside MBC Trading Standards and Greater Manchester Police in their roles as responsible authorities. A member of the public has also submitted a representation.

### **Licensing, Trading Standards & Greater Manchester Police**

- 3.2 All three representations from the Responsible Authorities named above, share the same theme. Licensing Officer, Business Compliance Officer and representative of Greater Manchester Police all highlight the premises are primarily a petrol station. In addition to this, they go on to point out that the applicant has submitted projections of estimated customer flow if the premises licence were to be granted. Actual customer data records are not included in the application.

- 3.3 The representation from Tameside MBC Licensing can be found at **Appendix 2**, the Tameside Trading Standards representation at **Appendix 3** and Greater Manchester Police representation at **Appendix 4**.

### **Public Representation**

- 3.4 A member of the public has raised concerns with regard to youths being attracted to the area if alcohol were to be on sale from this premise, leading to anti-social behaviour. The full representation can be seen at **Appendix 5**.

## 4. CONCLUSION AND OPTIONS FOR THE PANEL

- 4.1 Panel are requested to consider the evidence and decide what (if any) steps to take as it considers appropriate for the promotion of the licensing objectives. The options available to the Panel are;
- a) to grant the licence subject to –
    - i. such conditions that the authority considers appropriate for the promotion of the licensing objectives; and

- ii. current mandatory conditions;
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the premises supervisor;
- d) to reject the application.