



Report To:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	3 April 2017
Executive Member / Reporting Officer:	Ian Saxon – Assistant Executive Director (Environmental Services)
Subject:	APPLICATION FOR A PREMISES LICENCE – CONVENIENCE STORE, HYDE ROAD FILLING STATION, HYDE ROAD, MOTTRAM, HYDE
Report Summary:	Members are requested to determine the application.
Recommendations:	<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> <ol style="list-style-type: none"> a) to grant the licence subject to – <ol style="list-style-type: none"> 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.
Links to Community Strategy:	The licensing of premises under the Licensing Act 2003 contributes towards the Community Strategy theme of providing a safe environment.
Policy Implications:	Members are provided with policy guidelines to assist in the decision making process.
Financial Implications: (Authorised by the Section 151 Officer)	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.
Legal Implications: (Authorised by the Borough Solicitor)	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.
Risk Management:	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.
Access to Information	<p>The author of the report is John Gregory – Licensing Manager:-</p> <p> Telephone - 0161 342 3520</p> <p> e-mail: john.gregory@tameside.gov.uk</p>

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 had applied to licence a Convenience store for the sale of alcohol and the provision of late night refreshment at Hyde Road Filling Station, Hyde Road, Mottram, Hyde, SK14 6NG.
- 2.2 On 1 November 2016, The Speaker's Panel (Liquor Licensing) met to hear evidence from the applicant's representative, Mr Mitchener, and to hear representations from representatives of Tameside MBC Licensing, Tameside MBC Trading Standards and Greater Manchester Police. The Panel report from 1 November 2016 is attached at **Appendix 1**.
- 2.3 At the conclusion of the hearing, the Panel decided to grant a licence in respect of late night refreshments and adjourn the decision on the sale of alcohol. All parties agreed that the adjourned meeting would take place on Monday 27 March 2017 at 10:00am, by which point six months of customer data would be available.
- 2.4 The reason for the adjournment was that the Panel felt that the data relating to footfall, which had been submitted, was insufficient. In order for them to make an informed decision they required actual footfall analysis rather than a projected estimate. The Panel requested that for the adjourned hearing, Mr Mitchener should provide customer data for a six month period from September 2016 and further footfall analysis for a 12 month period based on the actual data collected. In the meantime, they also requested that Mr Mitchener submit to the Licensing Manager the data which he used to calculate his projected estimates. The decision letter is attached at **Appendix 2**.

3. FURTHER EVIDENCE SUBMITTED

- 3.1 A request to adjourn the Panel hearing from 27 March 2017 was received from Mr Mitchener and agreed by the Panel. The meeting was rescheduled for 3 April 2017.
- 3.2 On 20 March 2017, the Licensing Manager received an email from Mr Mitchener, which included the spreadsheet attached at **Appendix 3**. The email accompanying these figures is attached at **Appendix 4**.
- 3.3 To date, the Licensing manager has not received any information on the data used to calculate the previous projected estimates. In addition, no supporting evidence has been submitted which demonstrates how the figures in the spreadsheet were obtained.

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.