

Report of:	Public Protection Manager	Licence Type:	Premises Licence
Report to:	Licensing Committee	Date:	29 th June 2022
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PREMISES DETAILS

Name:	Healey Deli
Address:	21 Market Street, Whitworth, Rochdale, OL12 8RW
Ward:	Healey and Whitworth
Application:	Application for the grant of a new premises licence

1. REASON FOR REFERRAL

- 1.1 To advise members of an application for the grant of a premises licence under Section 17 of the Licensing Act 2003.

2. RECOMMENDATIONS

- 2.1 It is recommended that members determine the application in accordance with the provisions of the Licensing Act 2003.

3. LICENSING OBJECTIVES

- 3.1 Members are reminded of the Licensing objectives as follows:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm

4. THE APPLICATION

- 4.1 An application for the grant of a premises licence was received from Mr Andrew Simpson on 9th May 2022. The application is appended at Appendix A.

- 4.2 The application proposes:

The sale by retail of alcohol:

Between 0800 hours and 2200 hours Monday to Sunday

The sale shall be for consumption ON and OFF the premises.

- 4.3 The applicant has detailed the steps they intend to take to promote the licensing objectives and these steps will be translated into conditions on the licence, if granted.

4.4 These conditions would be:

All persons purchasing alcohol who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:

- A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
- Photo driving licence
- Passport
- Citizen card supported by the Home Office

The premises licence holder must ensure that all staff receive comprehensive training in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the licensing objectives and the staff roles and responsibilities. Such training must be documented and must be made available for inspection by a Police Constable or Authorised Officer. Training records must be retained for a rolling period of 24 months.

Before any member of staff is authorised to sell alcohol from the premises, they must receive training in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the licensing objectives and the staff roles and responsibilities. Training records must be retained for a rolling period of 24 months.

Litter bins must be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter. Litter bins provided must be checked by staff regularly throughout the trading day and shall be emptied before they overflow.

4.5 The plan showing the licensable area is appended at **Appendix B.**

5. BACKGROUND

5.1 The premises to which this application relates has not previously held any licences which authorise the sale of alcohol or public entertainment.

5.2 Members are reminded that the application relates only to the supply of alcohol. The provision of food and drink is not a licensable activity within this application.

5.3 It would appear that the premises has been unoccupied since at least 2007 or 2008.

6. RESPONSIBLE AUTHORITIES

6.1 There have been no representation submitted by a responsible authority.

7. REPRESENTATIONS

7.1 There has been 1 representations from “other persons”. This representation was received on 30th May 2022 and is appended at **Appendix C.**

7.2 This representation raises issues that cannot lawfully be considered by the sub-committee. Such issues include parking, use of the surrounding footpaths and roads, toilet facilities, change of use of the land and problems, particularly historical problems with other premises in the locality.

7.3 The representation also states that the business is not necessary. Members are reminded that “need” is a matter for the Planning Authority and for the market (market forces).

7.4 Members are reminded that they must disregard issues that cannot be properly considered under the licensing regime.

8. OPTIONS

8.1 Members should consider the information available to it and make a value judgment as to what steps to take to promote the licensing objectives.

8.2 In doing so, members will need to comply with the rules of natural justice, which essentially requires that the licensing authority base its decision on information which has some probative value on relevant issues and that it fairly listens to the contentions of all parties.

8.3 The technical rules of evidence form no part of the rules of natural justice. Members are exercising an administrative function and they must base their decision upon material, which tends logically to show the existence or non-existence of facts relevant to the issue or to show the likelihood or unlikelihood of the occurrence of some future event.

8.4 Members should always consider whether concerns raised can be overcome by the addition of conditions before refusing an application.

8.5 Members should consider the application, the representations and all submissions made and must take the steps below (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:

1. To grant the licence subject to:
 - a) the conditions in the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the licensing objectives, and
 - b) any mandatory conditions which must be included in the licence,
2. To exclude from the scope of the licence any of the licensable activities to which the application relates,
3. To refuse to specify a person in the licence as the premises supervisor;
4. To reject the application.

9. POLICIES TO CONSIDER

- 9.1
- Rossendale Borough Council’s Statement of Licensing Policy effective 20th March 2019.
 - Guidance issued under Section 182 of the Licensing Act 2003.

10. CRIME AND DISORDER

10.1 Section 17(1) of the Crime and Disorder Act 1998 places a duty on the Local Authority to have due regard to the likely effect of the exercise of these functions on preventing in its area, the following;

- crime and disorder;
- misuse of drugs alcohol and other substances; and
- re-offending.

APPENDICES

Appendix A	Application Form
Appendix B	Plans
Appendix C	Representation 1 (SG)