



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Chief Executive's Directorate
Town Hall, Stockport SK1 3XE
Contact: Damian Eaton on 0161 474 3207
Email: damian.eaton@stockport.gov.uk
Web: www.stockport.gov.uk/democracy

Ordinary Committee

AGENDA

LICENSING, ENVIRONMENT AND SAFETY SUB-COMMITTEE

Meeting Room 6
Town Hall
Stockport

Meeting: Wednesday, 14 July 2010
Tea: 5.00 pm (Stopford House)
Business: 6.00 pm

Licensing Sub-Committee A

Members

Cllr Chris Gordon
Cllr Stella Humphries
Cllr Jackie Jones

1. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 8 March 2010.
(Enclosed)

2. DECLARATIONS OF INTEREST

Councillors and officers are invited to declare any interests which they may have in any of the items on the agenda for this meeting.

3. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE AT 786 TIKKA, LANCASHIRE HILL

To consider a report of the Service Director (Environment). (Enclosed)

The report details an application from Mr Mohsin Mumtaz Raja for the provision of late night refreshment at 786 Tikka, Lancashire Hill.

The Committee is recommended to consider the application for a new premises licence at 786 Tikka, Lancashire Hill.

Officer contact: David Maynard on 474 4398 or email david.maynard@stockport.gov.uk

NOTE:

Members are reminded that:

- (i) they should not sit on a Licensing Sub-Committee when the Committee is determining an application in his or her ward, or whose ward would be affected by the proposal.
- (ii) they should not sit on a Licensing Sub-Committee determining an application for premises in respect of which the member has a prejudicial interest under the Code of Conduct.

Members are requested to consider the application(s) above and contact Angela Norton if they require a substitute

Contact: Damian Eaton on 474 3207, e-mail damian.eaton@stockport.gov.uk or fax 0161 474 3240

If you require a copy of the agenda or a particular report(s) by e mail or in large print, braille or audio, please contact the above person for further details. A minicom facility is available on 0161 474 3128.

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Please telephone Stockport Interpreting Unit on 0161 477 9000.
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如果你需要他人為你解釋這份資料的內容，我們可以提供免費的傳譯服務，請致電 0161 477 9000 史托波特傳譯部。

W przypadku gdybyś potrzebował pomocy odnośnie tej informacji, dostępne są usługi tłumaczeniowe. Prosimy dzwonić do Interpreting Unit pod numer 0161 477 9000.

যদি এই খবরগুলি সম্পর্কে আপনার কোন সাহায্য দরকার হয় তবে বিনা খরচে আপনার জন্য দোভাষীর ব্যবস্থা করা হতে পারে। মেহেরবানী করে স্টকপোর্ট ইন্টারপ্রিটিং ইউনিটে ফোন করুন টেলিফোন নম্বর, 0161 477 9000.

اگر آپ کو ان معلومات کے بارے میں مدد کی ضرورت ہے تو مفت ترجمانی کی سروس دستیاب ہے۔ براہ مہربانی انٹرپرائٹنگ یونٹ کو 0161 477 9000 پر فون کریں۔

خدمات ترجمہ رایگان این اطلاعات در صورت نیاز موجود میباشد. لطفا با شماره تلفن 0161 477 9000 یا واحد ترجمہ (اینترپرائٹنگ یونٹ) ما تماس بگیرید.

تنوفر خدمه ترجمه شفوية اذا تطلبت مساعدة في فهم هذا المعلومات. نرجو الاتصال اربن رينيول على رقم الهاتف: 0161 477 9000

LICENSING, ENVIRONMENT & SAFETY SUB-COMMITTEE

Meeting: 8 March 2010

At: 6.10 pm

PRESENT

Councillors Tom Grundy, Wendy Meikle and Mark Weldon.

1. ELECTION OF CHAIR

RESOLVED – That Councillor Mark Weldon be elected chair for the duration of the meeting.

Councillor Weldon in the chair

2. MINUTES

The minutes (copies of which had been circulated) of the meeting held on 27 January 2010 were approved as a correct record and signed by the chair.

3. DECLARATIONS OF INTEREST

No declarations were made.

4. LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE FOR 197 LONDON ROAD, HAZEL GROVE

A representative of the Service Director (Environment) submitted a report (copies of which had been circulated) requesting the Sub-Committee to consider an application from Mr Samran Elahi Janjua for the supply of alcohol for consumption off the premises.

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

A representative of Greater Manchester Police attended the meeting, explained their objections to the proposals, and answered Councillors' questions in relation to the application. The Sub-Committee was advised that the Greater Manchester Fire and Rescue Service had withdrawn their objections to the application.

An objector attended the meeting, explained his objections to the proposals and answered Councillors' questions in relation to the application.

The Sub-Committee having heard all interested parties proceeded to consider the licensing objectives in respect of the application, together with the relevant parts of the Council's licensing policy and the guidance from the Department for Culture, Media and Sport. However, the decision was 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 made in respect of this licensing objective, specifically that there was a significant probability that the proposed application would result in alcohol being consumed on the streets in the vicinity of the premises in conflict with the borough-wide on street drinking controls. The problem would be most acute late at night where existing problems in respect of crime and disorder associated with the operation of takeaways, taxi operator's offices, clubs and bars would be significantly exacerbated as a result of the opportunity provided by the operation of these premises in accordance with the application for patrons to purchase alcohol for consumption on the way home.

The Police were asked by the Applicant if they would object to the applicant amending his operating schedule to have alcohol off-sales 24 hours a day, 7 days a week but with a terminal hour of 23:30 hrs for the first six months, and use a small sales window (like a late night garage) and produce a computerised register of all customers' details when undertaking an alcohol sale after 23:30 hours. The Police representative said that would not deal with the issues at hand and questioned the legality of such a database.

The Sub-Committee considered that, in the light of the evidence received, there were no conditions that could reasonably be imposed that would ameliorate the problems that would be experienced as a result of the operation of these premises in accordance with the application and that in light of the representations received, there were serious concerns as to how the applicant would address this 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, after noting the withdrawal of the objection from the Greater Manchester Fire and Rescue Service, was satisfied that no relevant representations had been raised in respect of this licensing objective.

(iv) Public Nuisance

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

5. ADJOURNMENT

At 6.55 pm it was

RESOLVED - That the meeting be adjourned.

At 7.03 pm the meeting reconvened.

6. LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE FOR 197 LONDON ROAD, HAZEL GROVE (Continued)

It was then

RESOLVED – That the application for a new premises licence 197 London Road, Hazel Grove be refused on the grounds that the Sub-Committee was satisfied that there was a significant probability that the proposed application would result in alcohol being consumed on the streets in the vicinity of the premises in conflict with the borough-wide on street drinking controls. The problem would be most acute late at night where existing problems in respect of crime and disorder associated with the operation of takeaways, taxi operator's offices, clubs and bars would be significantly exacerbated as a result of the opportunity provided by the operation of these premises in accordance with the application for patrons to purchase alcohol for consumption on the way home. It was therefore the view of the Sub-Committee that the application would undermine the prevention of crime and disorder licensing objective. The Sub-Committee concluded that the imposition of additional conditions would not alleviate the problems identified and that to grant the application would have an unreasonable and disproportionate impact.

7. ADJOURNMENT

At 7.05 pm it was

RESOLVED - That the meeting be adjourned.

At 7.10 pm the meeting reconvened.

8. LICENSING ACT 2003: APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AT WOODLEY OFF-LICENCE, WOODLEY

A representative of the Service Director (Environment) submitted a report (copies of which had been circulated) requesting the Sub-Committee to consider an application from Inspector Brendon O'Brien on behalf of the Chief Officer of Greater Manchester Police for a review of the premises licence for Woodley Off-Licence Woodley.

Representatives of Greater Manchester Police and Stockport Council's Trading Standards Service attended the meeting, explained the basis for the application for the review of the premises licence and answered councillors' questions in relation to that application.

The premises licence holder and his representative attended the meeting and answered councillors' questions in relation to the application.

The Sub-Committee having heard all interested parties proceeded to consider the

licensing objectives in respect of the application, together with the relevant parts of the Council's licensing policy and the guidance from the Department for Culture, Media and Sport. However, the decision was reached on consideration of all the arguments given in relation to this specific application.

9. ADJOURNMENT

At 9.10 pm it was

RESOLVED - That the meeting be adjourned.

At 9.35 pm the meeting reconvened.

10. LICENSING ACT 2003: APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AT WOODLEY OFF-LICENCE, WOODLEY (Continued)

It was then

RESOLVED – That having heard the application for a review of the premises licence at Woodley Off-Licence, Woodley made by Inspector Brendon O'Brien on behalf of the Chief Officer of Greater Manchester Police and having considered all the evidence presented , the Sub-Committee was satisfied that:-

- (i) The Mr. Zulfiqar Ahmed, the Premise Licence Holder and Designated Premises Supervisor had endangered public safety through possessing for supply illicit alcohol.
- (ii) That his management of the premises had been responsible for sustained and consistent non-compliance with under-age sales legislation which had resulted in a disproportionate number of incidents of anti-social behaviour in and around the premises.
- (iii) That , the Premises Licence Holder and Designated Premises Supervisor had failed to fully comply with the contents of the 'Action Plan' agreed with Greater Manchester Police and the Trading Standards Service.

The Sub-Committee determined that on the balance of probability the sale of alcohol from the premises had resulted in significant levels of alcohol-related crime and disorder in and around the vicinity of the premises. The Sub-Committee considered that the Premises Licence Holder and Designated Premises Supervisor had consistently failed to promote the four licensing objectives, and in particular to protect children from harm and public safety, or responded appropriately to reasonable requests from the Licensing Authority or Greater Manchester Police. The Sub-Committee was of the view that in the light of the evidence presented to it, the only effective measure available was to revoke the premises licence. The Sub-Committee therefore so resolved.

The meeting closed at 9.40 pm

Agenda Item No:

LICENSING, ENVIRONMENT & SAFETY COMMITTEE
LICENSING SUB-COMMITTEE

Date: 14 July 2010

LICENSING ACT 2003:
APPLICATION FOR A PREMISES LICENCE
AT 786 TIKKA, LANCASHIRE HILL

Report of the Service Director, Environment

1. PURPOSE OF REPORT

- 1.1 For Members to consider an application from Mr Mohsin Mumtaz Raja for the provision of late night refreshment.

2. DETAILS

- 2.1 Applicant: Mr Mohsin Mumtaz Raja
Name of Premises: 786 Tikka
Address: 1 Penny Lane, Lancashire Hill, Stockport SK5 7RP
Situation: 786 Tikka is a take-away and snack bar in a residential area consisting mainly of high-rise and deck access flats and commercial properties. A plan of the area is at Annex A.

3. BACKGROUND

- 3.1 On 24 May 2010, Mr Mohsin Mumtaz Raja made this application to provide late night refreshment, with a home delivery service, at his take-away / snack bar food premises.
- 3.2 The proposed hours for the provision of late night refreshment indoors, are
23:00 to 03:00 hours, the following day, Monday to Sunday,
- 3.3 The stated, standard opening hours to the public are
15:00 to 03.00 hours, the following day, Monday to Sunday
- 3.4 The applicant has proposed the following steps to be taken as part of the operating schedule in order to promote the licensing objectives should the proposed premises licence be granted.
- 3.4.1 Prevention of crime and disorder: A CCTV will be installed and will be working at all times during working hours.
- 3.4.2 Prevention of public nuisance: The area around the premises will be cleared of litter each day.

- 3.5 The public notice of the application was displayed on the boundary of the premises from 24 May 2010 and in issue 10 of the Stockport Independent newspaper on 31 May 2010.
- 3.6 Of the responsible authorities, Greater Manchester Police has made a representation about the application. They would object to the premises licence being granted for the following reasons.

3.6.1 Crime and Disorder:

The premises are located in an area known as a haven for youths who cause low grade disorder and nuisance to residents. The provision of a late-night attractant to these youths would create a meeting place for them and increase the problem, taking it later into the night. The later hours would create a security risk for the staff working on the premises, where they would be a target for robbery and hate crime. GM Police would ask for reduced hours i.e. a terminal hour of Midnight, Sunday to Thursday and 01:00 hrs, the following day, on Friday and Saturday. They would want a security door and buzzer entry system installed and CCTV with audio and a 28 day recording system. At least one member of staff onsite at all times who has been trained in the use of the CCTV and its recording system. They would also require that a police crime reduction advisor visits the premises before it operates at a later hour.

3.6.2 Public Nuisance: Proper provision of litter bins outside the premises is essential to reduce littering.

4. GUIDELINES

- 4.1 Section 17 of the Licensing Act 2003 states a person may apply for a premises licence. Section 18(3) of the Act states that, having regard to the representations made, the Authority may take such steps as it considers necessary to promote the licensing objectives. The steps are:
- a) to grant the licence subject to
 - (i) conditions consistent with the operating schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any of the mandatory conditions which must be included in the licence (under section 19, 20 or 21);
 - (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; (Not applicable in this case)
 - (d) to reject the application.

- 4.2 The Statutory Guidance issued under the Licensing Act 2003 gives the following advice on the issues raised in the representations.
- 4.2.1 Paragraph 9.24 states that as a matter of practice, licensing authorities should seek to focus the hearing on the steps needed to promote the particular objective which has given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or interested party may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 4.2.2 Paragraph 9.25 states that, in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- The steps that are necessary to promote the licensing objectives;
 - The representations (including supporting information) presented by all the parties;
 - The statutory guidance;
 - Its own statement of licensing policy.
- 4.3 Stockport Council's Licensing Policy recognises the role of licensing in the overall strategy to reduce crime and disorder.
- 4.3.1 Section 3.10.3 states that the Authority will, where necessary, use conditions to deter and prevent crime and disorder. For example, where there is good reason to suppose that disorder may take place, the following can actively deter disorder
- the presence of CCTV cameras both inside and immediately outside the premises
 - It may be necessary to specify the location of cameras, set out on the premises plans, to ensure certain areas are properly covered.
 - The requirement to maintain cameras in working order, and
 - The retention of recordings for an appropriate period of time.
- The Authority considers the following criteria to form the basis of any risk assessment to promote the prevention of crime and disorder
- The nature and style of the venue
 - The activities being conducted there
 - The location of the premises
 - The anticipated clientele
 - Local knowledge of the premises
- 4.3.2 Annex C to the policy states that door supervisors conducting security activities as a condition of a licence have to be registered with the Security Industry Authority. Specific conditions to be considered include
- a specified number of door supervisors,
 - the displaying of name badges,
 - the carrying of proof of registration,

- where and at what times they should be stationed on the premises, and
- whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Stockport Council considers conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

4.3.3 Annex G to the policy: 'Conditions relating to the prevention of public nuisance', recognises that artificially early closing times are seen to result in levels of disorder, restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. These may include

- The playing of music after a certain time, whilst other licensable activities are permitted to continue
- The restriction of parts of premises that might be used for certain licensable activities at certain times

5. **RECOMMENDATIONS**

5.1 The Committee is asked to consider the application for a new Premises Licence at 786 Tikka.

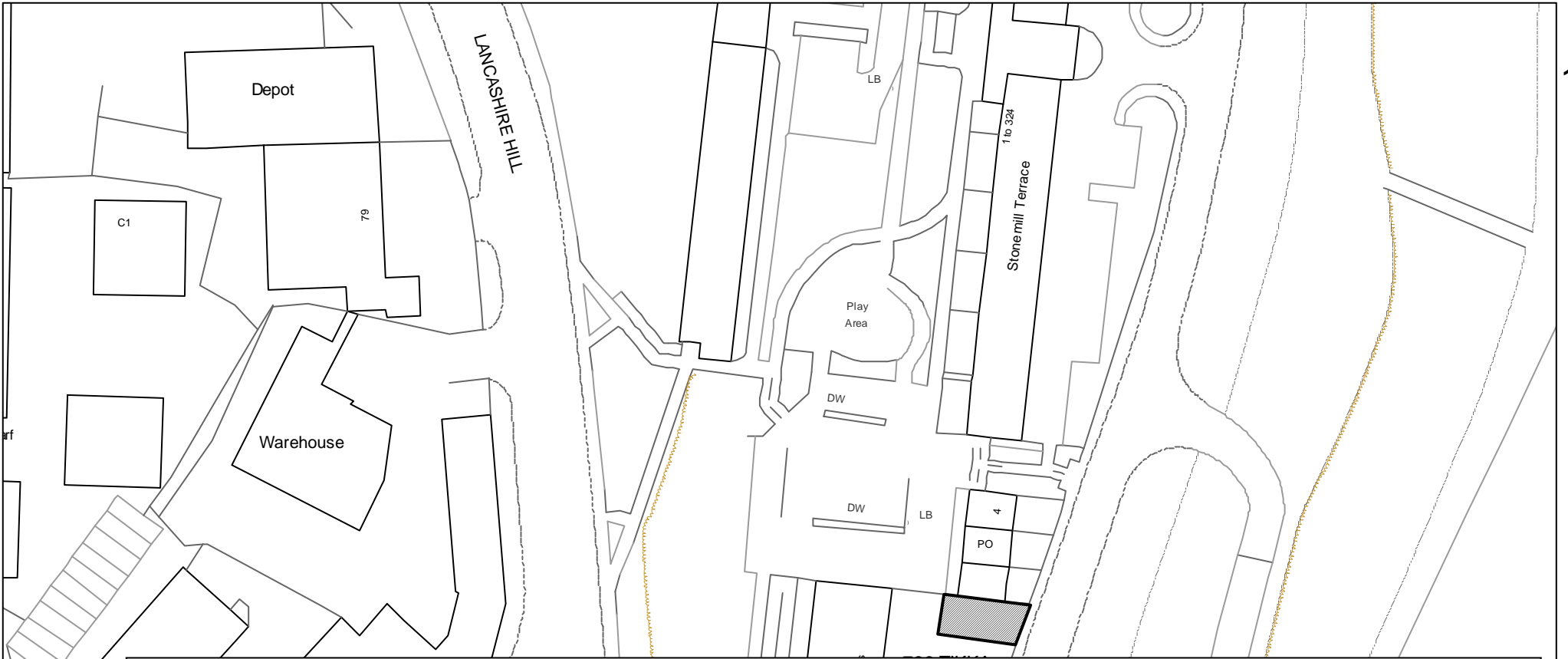
Background Papers


Licensing Act 2003

Statutory Guidance to the Licensing Act, as revised on 10 March 2010.

Stockport's Licensing Policy, 2008-2011

Anyone wishing further information, please contact Norman Elthorpe on 474-4244



Title: _Licensing Sub-committee	Date: 14 July 2010
Description: Premises Licence for 786 TIKKA, Penny Lane, Stockport	Scale 1 : 926
Environmental Health and Trading Standards Service - Licensing	licensing@stockport.gov.uk
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