

## LICENSING SUB-COMMITTEE

### MINUTES OF MEETING Friday, 2<sup>nd</sup> October 2020

**PRESENT:** Councillors Shakil Ahmed, Burke and Taylor

**OFFICERS:** J. Alom (Neighbourhoods Directorate), Z. Ali and P. Thompson (Resources Directorate).

**ALSO IN ATTENDANCE:** Mr. Sarfraz Ahmed (applicant), J. Clark, T. Clark (JMC Licensing Consultants – representing the applicant), Mr. D. Spurway and Mr. D. Edwards (objectors).

#### 1 APPOINTMENT OF CHAIR

Resolved:-

That Councillor Shakil Ahmed be appointed Chair for the duration of the meeting of the Licensing Sub-Committee.

*(Councillor Shakil Ahmed in the Chair)*

#### 2 PROCEDURES FOR HEARINGS UNDER THE LICENSING ACT 2003

The Chair advised that the Sub-Committee had been convened to assist in the determination of an application for a Premises Licence made under Section 17 of the Licensing Act 2003, for Saver Mart, 94 Kirkway, Middleton, Manchester, M24 1EN.

The meeting was conducted in accordance with the adopted “Procedure for Hearings under the Licensing Act 2003 where Representations are received”, as contained within the Local Authority’s Code of Conduct for Members and Officers Dealing with Matters under the Licensing Act 2003.

#### 3 DECLARATIONS OF INTEREST

There were no declarations of interests.

#### 4 LICENSING OFFICER

The Licensing Officer addressed the Sub-Committee in respect of the submitted report, copies of which had been made available to the parties in advance of the hearing. The submitted report included representations received from the applicant for a Premises Licence and their representative and from a number of objectors to the application.

The Sub-Committee in determining the application was required to give due regard to local policy considerations and the national guidance.

The Licensing Officer advised that the Sub-Committee had been convened to assist in determining the application for a Premises Licence made under Section 17 of the Licensing Act of the Licensing Act 2003 for Saver mart, 94 Kirkway, Middleton, Manchester, M24 1EN.

In respect of the application the Sub-Committee were invited to determine the application and either:

- a. Grant the application as submitted; or
- b. Grant the application, with appropriate conditions; or
- c. Reject the application.

The Licensing Sub-Committee has delegated authority to determine applications for Premises Licenses when representations have been made by Responsible Authorities or Interested Persons.

## **5 THE REPRESENTATIONS**

Mr. D. Edwards and Mr. D. Spurway addressed the Sub-Committee outlining their objections to the application.

Written representations from various other objectors but who were not in attendance at the meeting were carefully considered by the Sub-Committee's membership.

## **6 THE APPLICANT**

The Applicant, Mr. Sarfraz Ahmed and his representative, Ms. J. Clark, both addressed the Sub-Committee in support of the application.

## **7 EXCLUSION OF PRESS AND PUBLIC**

All parties were requested to retire from the meeting whilst the Sub-Committee determined the application for a Premises Licence, after which the respective parties were re-admitted to the meeting.

## **8 DECISION**

The Licensing Sub-Committee has had regard to the Statutory Guidance issued under s182 of the Licensing Act 2003, Rochdale Council's own Licensing Policy and the Licensing Act 2003.

The Licensing Sub-Committee has considered the representations made by both the Applicant and Interested Parties, including those in writing. Representations were made by the Weights and Measures Authority which were agreed between the Applicant and the Weights and Measures Authority as set out at Page 39 - 41 of the Licensing Sub-Committee Agenda Pack.

The Licensing Sub-Committee were informed that there had been no representations made by Greater Manchester Police.

Whilst the Licensing Sub-Committee has noted the concerns raised by the Interested Parties (residents) and further that existing licenced premises already exist in the vicinity of the premises, the Licensing Sub-Committee was not persuaded to reject the application.

Rochdale Borough Council does not have a Cumulative Impact Policy and therefore the Licensing Sub-Committee must consider each application on its own merits and cannot take into consideration the number of licenced

premises in a locality when determining the application. The Statutory Guidance states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption OFF the premises at any time when the shop is open for business unless there are good reasons based on the Licensing Objectives for restricting those times.

The Licensing Sub-Committee considered the steps to be taken by the Applicant as set out in the application (and as relayed at the Sub-Committee in that opening hours will be amended to 06:00 to 22:00hrs Monday to Sunday) and in adjunct with the conditions agreed with the Weights and Measures Authority which should address the concerns stated and promote the four Licensing Objectives.

Therefore, the Licensing Sub-Committee grants the application for a Premises Licence for the supply of alcohol for Saver Mart, 94 Kirkway, Middleton, Manchester, M24 1EN.

The applicant is strongly advised to make contact with Rochdale Borough Council's Planning Services to ensure the current planning hours the premises is subject to coincides with that of the granted licensable hours. The applicant is reminded that the premises licensing operational hours do not supersede any planning permission/hours and restrictions and may be subject to planning enforcement intervention if found to be non-compliant".

**Councillor Shakil Ahmed: Chair – Licensing Sub-Committee**

Please note that any party wishing to appeal this decision should do so in writing to Manchester and Salford Magistrates' Court, Crown Square, Manchester, M60 1PR within 21 days of the decision.