



AGENDA PAPERS FOR LICENSING SUB-COMMITTEE MEETING

Date: Tuesday, 28 November 2017

Time: 4.30 pm

**Place: Council Chamber, Trafford Town Hall, Talbot Road, Stretford,
Manchester, M32 0TH**

AGENDA	PART I	Pages
1. ATTENDANCES		
To note attendances, including Officers and any apologies for absence.		
2. APPLICATIONS WITH ALL PARTY AGREEMENT (STANDING ITEM)		
To receive an update on applications where all parties have reached agreement and to decide, in each case, whether to:		
Agree that a hearing is not necessary and determine to grant the licence and attach the agreed conditions: or		
Agree that a hearing will be necessary with all the parties present.		
3. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE - SOCIETY BAR, UNIT 4 KINGS COURT, RAILWAY STREET, ALTRINCHAM WA14 2RD		
To consider the attached report of the Head of Regulatory Services.		1 - 28
4. URGENT BUSINESS (IF ANY)		
Any other item or items which by reason of special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.		

THERESA GRANT
Chief Executive

Membership of the Committee

Councillors M. Cornes (Chairman), J. Holden (Vice-Chairman) and M. Freeman.

Further Information

For help, advice and information about this meeting please contact:

Mrs Ruth Worsley, Democratic & Scrutiny Officer

Tel: 0161 912 2798

Email: ruth.worsley@trafford.gov.uk

This agenda was issued on **Monday, 20 November 2017** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

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TRAFFORD COUNCIL

THE LICENSING SUB-COMMITTEE – 28th NOVEMBER 2017

REPORT OF THE HEAD OF PUBLIC PROTECTION

REPORT REF. NO.

APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE – SOCIETY BAR, UNIT 4
KINGS COURT, RAILWAY STREET, ALTRINCHAM WA14 2RD

PURPOSE

To hear and consider the application and any relevant representations

RECOMMENDATIONS

The sub-committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.

The steps stated in Section 52(4) are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

The Sub-Committee also have the option to take no further action or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

Iain Veitch
Head of Public Protection

Further Information From:

Name: Joanne Boyle
Extension: 4129

Proper Officer for the purposes of L.G.A. 1972, s.100D
(background papers):

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

Trafford Council's Licensing Policy

1. BACKGROUND

- 1.1 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.2 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.
- 1.3 The licensing objectives are:
 - The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm

2. APPLICATION

- 2.1 On the 13TH October 2017 the Licensing Authority received an application from PC Neil Parkin (Divisional Licensing Officer) on behalf of the Chief Constable of Greater Manchester Police for a review of the Premises Licence PL000680. The licence is held by Garside-Rogers Limited for premises known as Society Bar, Unit 4, Kings Court, Railway Street, Altrincham, WA14 2RD. A copy of the application is attached at Appendix A and copy of the current Premises Licence is attached at Appendix B.
- 2.2 The application stated that in accordance with the regulations, notice was also given to the premises licence holder and responsible authorities on the same date.
- 2.3 The ground for review relates to public nuisance which has occurred, it is alleged, because the licence holder has failed to comply with the conditions of licence on a number of occasions. The Police may expand on the written representation at the hearing but may not now add further grounds.
- 2.4 Following receipt of the application the Authority advertised the review by notice outside the premises and at the Council's Offices for 28 consecutive days.
- 2.6 The Authority has received no comments from any other responsible authority but has received representations from two other parties, please see Appendix C.

3. KEY ISSUES

- 3.1 The grounds for review and any representations must relate to one or more of the licensing objectives and must be relevant. Representations from interested parties may not be frivolous, vexatious or a repetition.
- 3.2 The Council will consider requests for a review of an existing premises licence if representations are made from the following:
 - A Responsible Authority such as the Police and Fire Authority; or

- Any other person

- 3.3 The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of these objectives are not being met.
- 3.4 The Sub-Committee should consider the relevance of the ground or grounds for review and any representations.
- 3.5 The Sub-Committee should consider whether or not any appropriate pre-review warnings have been given and/or any mediation taken place.

4. RECOMMENDATION

- 4.1 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.
- 4.2 The steps stated in Section 52(4) are:
 - to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 4.3 The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.
- 4.4 The Sub-Committee also have the option to leave the licence in its existing state and/or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

ATTACHED

Appendix A – Application for review from Greater Manchester Police
 Appendix B – Premises Licence PL000680
 Appendix C – Representations from other parties
 Appendix D – S182 Guidance on the review process

Appendix A
Application for Review



[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I PC 19281 Neil Parkin

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Society Bar Altrincham Unit 4 Kings Court, Railway Street	
Post town Altrincham	Post code (if known) WA14 2RD

Name of premises licence holder or club holding club premises certificate (if known) Garside-Rogers Limited

Number of premises licence or club premises certificate (if known) PL000680

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒



3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 19281 Neil Parkin C/O Stretford Police Talbot Road Stretford M32 0XB
Telephone number (if any) 0161 856 7869
E-mail address (optional) Neil.Parkin@GMP.police.uk

This application to review relates to the following licensing objective(s)

- | | | |
|---|-------------------------------------|---------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> | Please tick one or more boxes ✓ |
| 2) public safety | <input type="checkbox"/> | |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> | |
| 4) the protection of children from harm | <input type="checkbox"/> | |

Please state the ground(s) for review (please read guidance note 2)

As the Licensing Officer for GMP Trafford I would like to apply for a review of the premises licence Society Bar Altrincham – PL000680.

The reasoning for this review application is due to the Premises Licence Holder not abiding by the below condition attached to the current premises licence on a number of occasions:

'All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency'

I have multiple dates and CCTV of evidence showing the doors open and music being played, I also have CCTV images of the patrons coming out of Society and sitting in the external area drinking alcohol. I have taken this up with Society on numerous occasions, The Manager Mr Roy Garside has admitted to this activity.

The Trafford Council Licensing Policy section 18.8 and 18.9 states that a Designated Premises Supervisor is expected to be on the premises at times when the premises is open or contactable. The current Designated Premises Supervisor Mr Nicholas Timothy Roger's is not on the premises or contactable when the premises is open due to the details that the police and Trafford Council hold for him are incorrect.

I would like the committee to consider a change to the licensable activities for late night refreshment to 01:00am. The reasoning behind this is the rest of the premises close within the court yard at this time, and I have evidence to show issues after 1am within the courtyard putting an unnecessary strain on police resources. If the times are reduced immediately to 1am I feel this will help to solve the issues within the court yard area.

Please provide as much information as possible to support the application (please read guidance note 3)

Dates in question

Sunday 6th August 2017 live music being played in the courtyard, The manager of Society opens his doors and plays loud karaoke music.

Saturday 12th August doors and windows open with music playing within.

Sunday 13th August Doors and windows open with music being played and people openly drinking alcohol which is purchased from within the premises

Friday 18th August Windows and doors ajar with music playing

Saturday 19th August People taking drinks outside + Music playing whilst windows open

Sunday 20th August Doors all open people drinking outside and music playing

Saturday 26th August Music playing windows open

I have CCTV footage of the above



Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day		Month		Year	
+	+	+	+	+	+

If you have made representations before relating to the premises please state what they were and when you made them



Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Handwritten signature]

Date

~~14/09/2017~~

13/10/2017

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix B
Premises Licence PL000680

Licensing Act 2003

Premises Licence

PL000680



Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Society Bar Altrincham

Unit 4 Kings Court, Railway Street, Altrincham, Cheshire, WA14 2RD

Tel : 07725 339696

WHERE THE LICENCE IS TIME LIMITED, THE DATES

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE AND THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Live Music-Indoors	Monday to Wednesday - 12:00 to 02:00 Thursday to Saturday - 12:00 to 03:00 Sunday - 12:00 to 02:00 Seasonal Variations - Bank Holidays and New Year's Eve until 03:00
Recorded Music-Indoors	Monday to Wednesday - 12:00 to 02:00 Thursday to Saturday - 12:00 to 03:00 Sunday - 12:00 to 02:00
Alcohol - On the premises	Monday to Wednesday - 12:00 to 02:00 Thursday to Saturday - 12:00 to 03:00 Sunday - 12:00 to 02:00 Seasonal Variations - Bank Holiday Sundays until 03:00 New Year's Eve until 06:00

THE OPENING HOURS OF THE PREMISES

Monday to Wednesday - 12:00 to 02:30
Thursday to Saturday - 12:00 to 03:30
Sunday - 12:00 to 02:30
Seasonal Variations - Bank Holiday Sundays until 03:30 New Year's Eve until 06:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES

The sale by retail of alcohol for consumption ON the premises only

Licensing Act 2003

Premises Licence

PL000680



Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE AVAILABLE) OF LICENCE HOLDER

Garside-Rogers Limited
4 Kings Court, Railway Street, Altrincham, WA14 2RD

Tel : 07725 339696
nicktoastbarsltd@hotmail.co.uk

REGISTERED NUMBER OF HOLDER, WHERE APPLICABLE (E.G. COMPANY NUMBER, CHARITY NUMBER)

9716564

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Nicholas Timothy Rogers

Tel:

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Licence No:

Issued by : Cheshire East

ANNEXES

THE FOLLOWING CONDITIONS ARE TO BE READ IN CONJUNCTION WITH PLAN REFERENCED - PL000680 - 29052012

ANNEX 1 - MANDATORY CONDITIONS

1. No supply of alcohol may be made under the premises licence –

- (a) At a time when there is no designated premises supervisor in respect of the premises, or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. Where the premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

ADDITIONAL MANDATORY CONDITIONS (6th April 2010)

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6. Certain "irresponsible" drinks promotions are banned. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol),

or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –

(i) the outcome of a race, competition or other event or process,

or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.



ADDITIONAL MANDATORY CONDITIONS (1st October 2010)

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

8. The responsible person shall ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml;
- and
- (iii) still wine in a glass: 125 ml;

and

(b) customers are made aware of the availability of these measures.

ADDITIONAL MANDATORY CONDITIONS (6th April 2014)

9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

10. For the purposes of the condition set out in paragraph 1 —

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- (i) P is the permitted price;
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol;

and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(a).

11. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

12.(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – Conditions Consistent with the Operating Schedule

1. The licence holder will ensure that CCTV cameras are installed at the premises.
2. The licence holder will employ door supervisors on the busier nights to ensure a good standard of clientele are allowed on the premises.
3. The licence holder shall ensure that any drug use or violence by any individual is not tolerated and any persons doing so will be ejected and never allowed to return. They will



be reported to the Police and local bars will be informed so the problem is not simply passed to another venue.

4. The licence holder will adhere to all health and safety aspects of the business.
5. The licence holder will ensure that all staff are trained in first aid and fire safety.
6. The licence holder shall ensure that all electrics are certified and subject to an annual check.
7. The licence holder shall ensure that anyone who looks drunk is not allowed to enter the premises.
8. The licence holder shall ensure that anyone who is loud and causing problems for other customers shall be asked to leave the premises.
9. The licence holder shall ensure that no children are allowed on the premises after 20.00 hours.
10. The licence holder shall ensure that no gaming equipment or entertainment with nudity or a strong adult theme takes place on the premises.

ANNEX 3 – Conditions Attached After a Hearing of the Licensing Committee

1. PPN3 Noise and associated sources (including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.
2. PPN4 All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of a emergency.
3. PPN6 There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles)

Signature of Authorised Officer

Appendix C
Representations from other parties

Licensing
Trafford Council
Talbot Rd
Stretford

Mr D Martelli
" Nicks "
46 Railway St
Altrincham
WA14 2RE



25/10/2017

Review of licence Representation for Society Bar, Kings Court, Altrincham

I am the owner of Nicks, I wish to support the decision by GMP to initiate a review of the premises licence for Society Bar, I have operated my business since 2015, When I took over the business the area had in my view descended into a near state of lawlessness, The area was being frequented by countless numbers of undesirables and I took the decision to Drastically raise standards at my business and deter any bad elements, My hope was that if these bad elements were refused entry and consequently refused entry to other responsible late night venues that in a short space of time the area would cleanse itself and confidence would rise making the area desirable to customers again.

Sadly this has not been the case due to the irresponsible and in my view Criminal operation of Society Bar, Instead of Joining me in my efforts to improve the clientele they welcomed the undesirables, To my amazement and disbelief we would turn people away for having fake ID or for being unfit to serve and they would walk down the pavement and be allowed into Society Bar, I would witness Known Drug Dealers from the area using Society Bar as a virtual office to conduct business, I have attempted to speak to the person running Society (Mr Roy Garside) on countless occasions about my concerns but his response has been to laugh or on one occasion I challenged his decision to allow a Group of Teenagers into his bar who had previously Shown my Doorstaff Fake Driving Licences.....His answer was " Its my bar and Im fine with it ".

I have reported all issues of which there are many to PC Neil Parkin. At no time in nearly 3 years have I witnessed any attempt to adhere to the licensing objectives or the law for that matter by this establishment. What I have seen is countless acts of fighting and violence on the street, people leaving Kings Court at 3.30am with glasses and bottles, Vomiting and urinating in the doorways of neighbouring businesses, All of which are solely attributed to poor operation and a greed to serve alcohol to people who clearly are unfit to consume anymore, Poor policing numbers and a lack of monitoring and resources have only fuelled and enabled this bars breaches of the law, Sadly this is a Fact, My business operates the same 3AM licence as Society Bar but I have a final admittance of 1.45AM to deter unfit drinkers who turn up after others close, Society bar has no such rules and continues to admit up to 3AM, no attempt at ensuring responsible drinking or behaviour has EVER been implemented by the owners of this licensed premise whatsoever, The access to Class A drugs is common knowledge at this bar and up to July of this year remained unchallenged by either the owners/management or their chosen security company. One incident I witnessed was a female being carried across the street by 2 men and the owner of Society (Roy Garside) and bundled into a taxi after having taken drugs in Society, I found out later that she spent 2 days in Wythenshawe hospital and that they put her in a taxi as they didn't want to call an ambulance as this would alert police.

It is my sincere hope that the review panel implement strict conditions on these premises and limit its hours of operation to minimize further issues. The potential dangers to the public and children are real in my view as a responsible licensee of 30 yrs.

Sincerely Danny Martelli



Licensing

Trafford Council

(Review Panel)

Date 19/10/2017

Dear Sir or Madam

I write this letter as a representation in favour of a Review of the Premises Licence of Society Bar, Kings Court, Altrincham.

My Company has been contracted to supply Security Services to the main entrance to Kings Court by the Landlord Mr Paul Dey from 10pm on Friday and Saturday Nights until Close, This has been done to stop the Anti Social behaviour and Drug Dealing being the two main points of issue which have been solely generated from Society Bar, We initiated a security plan which included an immediate initiation of an Over 21 policy as underage drinking was a nightly problem, We also put in place a Smart Casual dress code which included a "No Sportswear/Workwear Policy, This was done to deter undesirables who were frequenting the Courtyard and had been involved in Sales of Class A drugs, It is a much more sensible approach to refuse entry on a Dress policy than with Honest Confrontation, Our Policies are solely aimed at Deterring further crime and Limiting Public Nuisance as well as adhering to strict Licensing regulations.

From the onset of our contract on 14/07/17 we have denied access to Gangs and large numbers of unfit customers who have been seriously under the influence of Drugs or Drink as well as a significant number of underage drinkers with Fake or Tampered Identification. All the above customers had wished to be admitted to Society Bar. We Provided Our Client and P.C Neil Parkin with weekly updates which were well received and supported.

To date we have had "No Cooperation" or support from Management/Owners or staff connected to "Society Bar" our staff and myself have faced Harassment, Threats of Violence, Racial Abuse, and continuous efforts by Society Bar to circumvent The Main Gate and allow regular customers of their bar who have been denied proper entry to access their bar, Despite the fact they are clearly unfit or are under the legal age of 18, Staff members have also committed criminal damage by cutting off locks to secure areas in an attempt to circumvent security. All of the above have been reported to police (Licensing)

During this contract I have witnessed Society Bar breach their licence conditions on many occasions, Despite clear warnings from police they have shown a blatant disregard for the law. They have attempted to use a lack of physical policing and monitoring to their advantage in breaking the law.

I am completely in favour of revoking the premises licence on Society Bar, The management/owners show a blatant Disregard for the Law, Their actions to date by allowing Serious crime to be committed at the premises without reporting to police is Diabolical and cannot be allowed to continue any longer, Irresponsible People cannot be allowed to operate a late night premise which clearly poses a danger to the public and has done for a substantial amount of time.

Respectfully

Mr G.W Campbell

A handwritten signature in black ink, appearing to be 'G.W. Campbell'.

Appendix D
S182 Guidance on the review process

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

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