

AGENDA ITEM NO.

TRAFFORD COUNCIL

THE LICENSING SUB-COMMITTEE – 6th MARCH 2018

REPORT OF THE HEAD OF REGULATORY SERVICES

REPORT REF. NO.

APPLICATION FOR THE GRANT OF A VARIATION TO THE PREMISES LICENCE – ZUMA (FORMERLY GASTRONOMY) 191 ASHLEY ROAD, HALE, WA15 9SQ

PURPOSE

To advise Members of an application for the Grant of a Major Variation to premises licence PL0393 for premises to be known as Zuma which has attracted objections from local residents.

OPTIONS

The Sub-Committee should take such steps as they consider necessary for the promotion of the Licensing Objectives in accordance with the provisions of subsection 18(4) of the Licensing Act 2003.

Iain Veitch
Head of Regulatory Services

Further Information From:

Name: Joanne Boyle
Licensing Team Leader
Extension: 4129

Proper Officer for the purposes of L.G.A 1972,S.100D
(background papers): Head of Regulatory Services

Appendices:

Appendix A – Application and Operating Schedule (including layout of premises)
Appendix B – Premises Licence PL0393
Appendix C – Location Plan
Appendix D – Representations from local residents

1. Background

- 1.1 Premises Licence PL0393 (Appendix B) – for Zuma (formerly Gastronomy) currently held by Mrs Filiz Smith, 33 The Uplands, Bishopton Drive, Macclesfield, SK11 8WG.
- 1.2 The premises were previously operated as a Deli and Café. The new licence holder wishes to operate the premises as a sushi restaurant.

2. Application to Vary the Premises Licence

- 2.1 On 9th January 2018 the Licensing Section received an application (**Appendix A**) from Mrs Filiz Smith for a variation to the hours of the existing premises licence.
- 2.2 The current licence permits the following licensable activities on the ground floor of the premises:

Sale of alcohol (On and Off)	08:30 to 17:00	Mon to Sun
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- 2.3 The application requests a variation to the licence to extend the hours for the sale of alcohol:

Sale of alcohol (On and Off)	12:00 to 23:00	Mon to Sun
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- 2.4 The applicant has complied with all requirements under the application process including advertising the application in a newspaper, advertising by way of public notice at the premises and submitting a copy of the complete application to all Responsible Authorities. The application is deemed to be correctly submitted.

3. Representations

- 3.1 The Licensing Section has received representations against the application from local residents on the grounds of prevention of public nuisance. See attached **Appendix D(1) – D(4)**.

4. Licensing Policy and Guidance

- 4.1 The Committee are respectfully referred to the Council's own Licensing Policy relating to the Licensing Act 2003 objectives and to the Secretary of State's Guidance. (Copy available at meeting)

5. Options

- 5.1 The Sub-Committee to take such steps as they consider necessary for the promotion of the Licensing Objectives in accordance with the provisions of subsection 18 (4) of the Licensing Act 2003. The steps specified are:

5.1.1 To grant the licence subject to-

- 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;
- Any mandatory conditions which must be included under the Licensing Act 2003

5.1.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;

5.1.3 to refuse to specify a person in the licence as the premises supervisor;

5.1.4 to reject the application.

5.2 The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probability and any decision should be based on the individual merits of the application.

5.3 The Sub-Committee, in arriving at its decision, must have regard to relevant provisions of national guidance and its own statement of licensing policy and reasons should be given for any departure.

APPENDIX A

APPLICATION AND OPERATING SCHEDULE (including premises layout)



LA0014/18

RECEIVED
- 9 JAN 2018
LICENSING

Application to vary a premises licence 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/We FILIZ SMITH
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0393

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

~~GASTRONOMY~~ ZUMU (formerly GASTRONOMY)
191 ASHLEY RD
HALE
WA15 9SQ

Post town	HALE	Postcode	WA15 9SQ
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Telephone number at premises (if any)	0161 9287870
Non-domestic rateable value of premises	£ 1,243.00

Part 2 - Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	15 HEATH ROAD APARTMENT 6 HALE ALTRINCHAM CHESHIRE		
Post town	HALE	Postcode	WA14 2UJ



Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Currently Gastronomy is trading as Deli and Cafe with alcohol licence. I am changing the cafe into a Sushi restaurant in January and would like to extend the hours until 23pm please. Also the name of the restaurant is going to change to "Jumu".

ALL OTHER TERMS & CONDITIONS REMAIN THE SAME.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:



Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f), or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M



J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	12	23	State any seasonal variations for the supply of alcohol (please read guidance note 6) Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)	Both	<input type="checkbox"/>
Tue	12	23			
Wed	12	23			
Thur	12	23			
Fri	12	23			
Sat	12	23			
Sun	12	23			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L



Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any special conditions (please read guidance note 6)
Day	Start	Finish	
Mon	11	23	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	11	23	
Wed	11	23	
Thur	11	23	
Fri	11	23	
Sat	11	23	
Sun	11	23	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below



M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

b) The prevention of crime and disorder

The main responsible authority involved with this licensing objective is the police. Such matters could include (but are not limited to), a lack of security at a premises, lack of staff training, inadequate CCTV systems and even unsuitable premises.

c) Public safety

All responsible authorities will have regard to this objective and not just limited to police. Environmental Health & the Fire Officer will also review operating schedules to ensure that public safety is paramount at all times. A lack of promotion of public safety could include such matters as inadequate outside lighting, fire alarm, fire fighting equipment etc.

d) The prevention of public nuisance

The main responsible authority concerned with this objective is Environmental Health and potentially Building Control and/or Planning. Nuisances can include noise, smells, light pollution as well as unsuitable premises.



e) The protection of children from harm

Such matters which must be considered are a suitable under age sale prevention policy and whether or not young persons will be admitted to premises and those potential situations where it might be necessary to exclude them.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- 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 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>[Handwritten Signature]</i>
Date	14-12-17
Capacity	owner

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
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APPENDIX B
Existing Premises Licence PL0393

Licensing Act 2003
Premises Licence
PL000393



Part 1 – Premises Details

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

Gastronomy

191 Ashley Road, Hale, Cheshire, WA15 9SQ

Telephone : 0161 928 7870

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

Alcohol - On the premises Monday to Sunday - 08:30 to 17:00

Alcohol - Off the premises Monday to Sunday - 08:30 to 17:00

THE OPENING HOURS OF THE PREMISES

Monday to Sunday - 08:30 to 17:00

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

The sale of alcohol for consumption ON and OFF the premises.

Part 2

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

Mrs Filiz Smith
33 The Uplands, Bishopton Drive, Macclesfield, Cheshire,
SK11 8WG

filizsmith80@gmail.com

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

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Licensing Act 2003

Premises Licence

PL000393



TRAFFORD
COUNCIL

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

Mrs Filiz Smith
33 The Uplands, Bishopton Drive, Macclesfield, Cheshire, SK11 8WG

Telephone:
07397 397 750

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

Licence No: PERS2794

Issued by : Congleton

ANNEXES

Annex 1 – Mandatory Conditions

The following conditions must be read in conjunction with plan referenced PL000393

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 (28th May 2014)

1. 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.
2. 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
 - (b) "permitted price" is the price found by applying the formula

Licensing Act 2003

Premises Licence

PL000393



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

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) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. 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.

4. (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.

ADDITIONAL MANDATORY CONDITIONS (1st October 2014)

5. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises



- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purposes of encouraging the sale or supply of alcohol for consumption on the premises:
- (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 in a manner which carries a significant risk of undermining a licensing objective
 - (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 in a manner which carries a significant risk of undermining a licensing objective
 - (d) 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
 - (e) dispensing alcohol 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)
6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either:

Licensing Act 2003

Premises Licence PL000393



- (a) a holographic mark
or
(b) an ultraviolet feature

8. The responsible person must 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: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

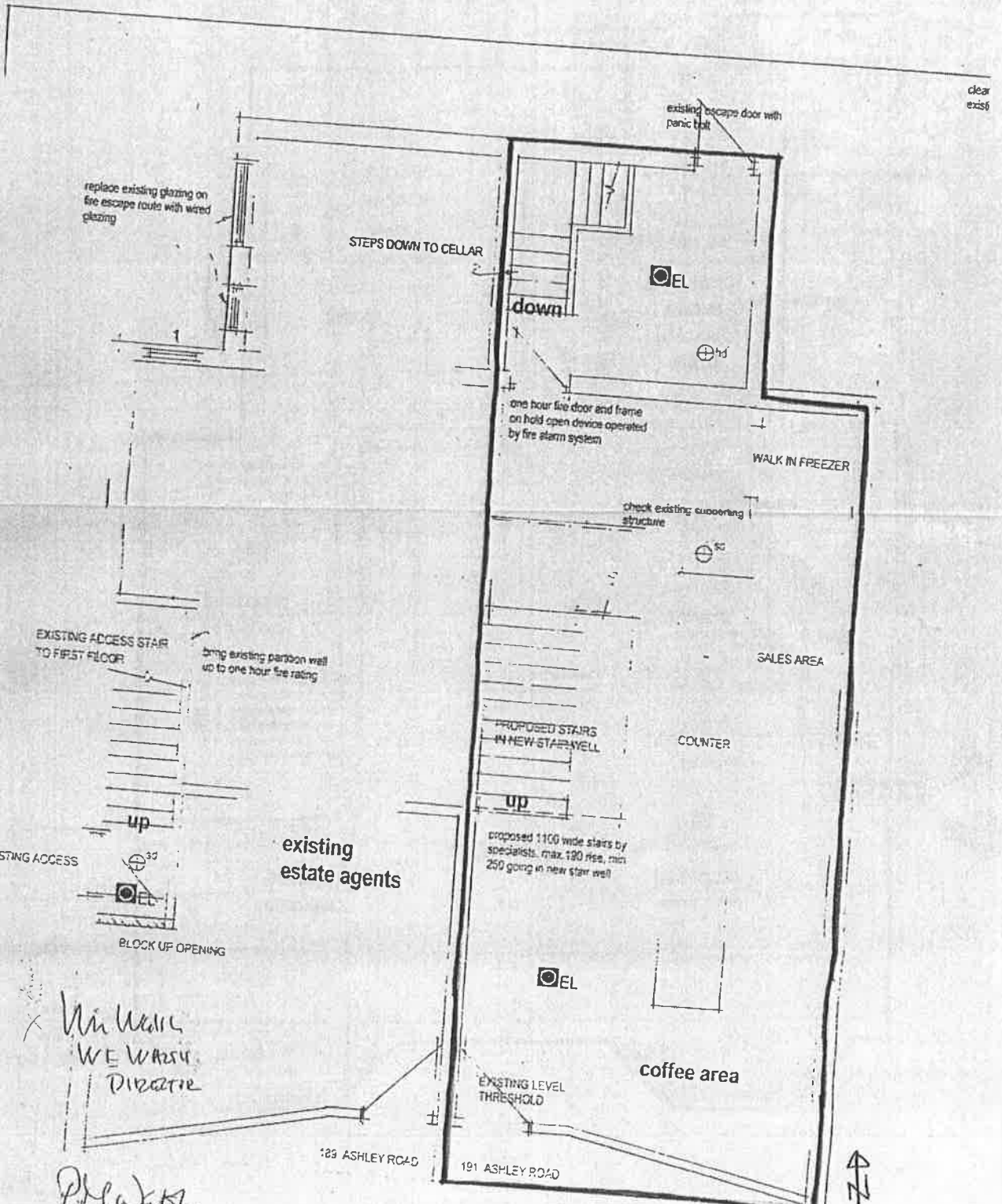
Annex 2 – Conditions Consistent with the Operating Schedule

1. Alcohol will only be served with food, to a limited number of customers.
2. Alcohol will not be served to persons who appear to be intoxicated.
3. Contact will be made with other licensed premises to share information.
4. Anyone appearing to be underage will be required to produce identification.
5. A clear proof of age policy will be in place for all staff selling alcohol.

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

None

Signature of Authorised Officer



X
 Mr Wall
 WE WASH
 DIRECTOR
 P.M. WASH
 P.M. WASH
 X

PLAN 16



Scale 1:50

APPENDIX C
Location Plan



TRAFFORD COUNCIL



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	
Date	20/02/2018
MSA Number	100023172 (2012)

APPENDIX D

Representations

Taylor1, Janet

From: Bettina Woodroffe [REDACTED] >
Sent: 03 February 2018 18:06
To: Licensing
Subject: Application at 191 Ashley Road

Categories: Jan

Dear Sir / Madam

we note with concern the licensing application made in respect of 191 Ashley Road [formerly Gastronomy, now planned to be 'Zumu'] by Filiz Smith.

Hale does not require further bars, or any establishments that open late into the night and promote, encourage and increase late-night drinking.

This is a residential area - Zumu itself backs onto private housing - which is already beset by anti-social behaviour connected in large part, if not exclusively, with the excess consumption of alcohol during the day and into the early hours of the morning.

It is bad enough that most, if not all, eateries in Hale have transformed over the past years to focus predominantly on bar activity, with the provision of food merely incidental to drinking.

It has already been a lot quieter on this street - Westgate - since the closure (albeit presumably temporary) of the Cote restaurant.

It is a matter of regret that the Elk [formerly Moose] - which is located just one premises away from the proposed Zumu - was granted a license to serve alcohol. Even in the afternoon, when the weather permits, drinkers congregate on the pavement outside, which is littered subsequently with cigarette butts, chewing gum, other rubbish, often broken glass, which is not limited to that area.

In summary, we strongly oppose the application on the grounds that there will be increased anti-social behaviour connected with alcohol consumption (until 23.00); increased late-night traffic, associated with extension of opening hours; increased anti-social behaviour associated with the excess consumption of alcohol; increased littering of public highway and side-streets; increase in general nuisance, especially to those living close by.

This is simply not a desirable or suitable addition to the high street; it is not a necessary amenity, nor does it provide services not already offered in abundance. This would increase the nuisance of anti-social and other negative behaviours in the middle of what is a residential area.

We oppose the application strongly.

Thank you for your attention,
Bettina Woodroffe
11 Westgate, Hale

Taylor1, Janet

From: Christopher Foan [REDACTED]
Sent: 05 February 2018 14:45
To: Licensing
Subject: Extended alcohol license - 191 Ashley Road, Zumu)

Categories: Jan

Dear sir. I wish to object to the extended license application in respect of 191 Ashley road (formerly Gastronomy) applying as Zuni.

My house backs on immediately to these premises, and people in Gastronomy drinking/eating at 1st floor looked over my garden directly into my bedroom. Gastronomy was closed in the evening so this did not present an issue, but an extended drinking license would create potential privacy and antisocial problems (noise, smoke, lights) at the back in what is a residential area.

I am already disturbed on warm days by the adjacent Elk bar which also backs on to us, because of the noise from the outside area (where smokers, etc. sit,) or from noise from inside the bar (especially on match days) which emanates from the bar when the Windows are opened.

I like to go out to venues in Hale myself, but I believe that the relatively small residential village of Hale would suffer from having yet another venue for late drinking because of the accompanying impact on the frontage, car parking, and relatively narrow footpaths, as well as the noise pollution that carries a long way especially when the community has settled for the night.

For these reasons I trust that an extended license will not be granted.

I am unable to send a hard copy objection as I am abroad on holiday (cruise).

Yours faithfully
Chris Foan
15 Addison road, Hale

Sent from my iPhone

Taylor1, Janet

From: Colette Foan [REDACTED]
Sent: 05 February 2018 18:06
To: Licensing
Cc: ccfoan@gmail.com
Subject: 191 Ashley Road, Hale - Zumu, formally Gastronomy, extension of alcohol & music licence

Categories: Jan

Dear Sir,

I wish to object to the extended license application in respect of 191 Ashley road (formerly Gastronomy) applying as Zumu.

My house backs on immediately to these premises, and people in Gastronomy drinking/eating at 1st floor looked over my garden directly into my bedroom. Gastronomy was closed in the evening so this did not present an issue, but an extended drinking license would create potential privacy and antisocial problems (noise, smoke, lights) at the back in what is a residential area.

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For these reasons I trust that an extended license will not be granted.

I am unable to send a hard copy objection as I am abroad on holiday.

Yours faithfully

Colette Foan
15 Addison road, Hale
WA15 9BQ

Sent from my iPhone

To: Licensing

Subject: Licensing Application-Zumu,191,Ashley Rd,Hale,Altrincham

Dear Sir/ Madam,

I am writing to object to the licensing application for formerly Gastronomy- planned to be Zumu by Filiz Smith 191, Ashley Rd,Hale.

I live in Hale village and object to the license as Zumu backs onto residential properties and proposes to serve alcohol until 23.00. This will be an obvious nuisance to its residential neighbours as it will lead to increased noise levels both from the premises and its patrons. There will be increased antisocial behaviour connected to the late night alcohol consumption, increased traffic and parking late into the night.

There is already a bar next door to Zumu which serves alcohol and results in antisocial behaviour which is not suitable for a residential area,

We strongly apprise this application,

Joe and Laura Kijowski

3 Westgate,Hale.