

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 20 October 2020
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR THE GRANT OF A FULL VARIATION TO A PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT THE QUARRY BANK INN, BLOOMSBURY LANE, TIMPERLEY, GREATER MANCHESTER WA15 6NY.

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a variation to a premises licence in respect of The Quarry Bank Inn, Bloomsbury Lane, Timperley, Greater Manchester WA15 6NY having regard to representations received and the requirement to promote the four licensing objectives.

Recommendation(s)

The following options are open to the Licensing Sub-Committee;

- (i) To grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions.
- (ii) To grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
- (iii) To reject the application.

Contact person for access to background papers and further information:

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Background Papers: None.

Appendices:
A) Application for a Full Variation Application
B) Blue Notice and Newspaper Advert
C) Current premises licence
D) Representations

1.0 APPLICATION

- 1.1** A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:
- The sale of alcohol
 - The supply of alcohol (in respect of a club)
 - Regulated entertainment
 - The provision of late night refreshment

This application was submitted by Malcolm Ireland of Napthens LLP Solicitors on behalf of Hydes Brewery Limited.

- 1.2** The applicant has applied to amend the plans that accompany the premises licence in order to permit sales of alcohol in external areas.
- 1.3** The application has been properly made and all procedures correctly followed. The application has been attached as **Appendix A**. Photographs of the blue notice in place and the newspaper advert are attached as **Appendix B**.

2.0 BACKGROUND AND HISTORY OF PREMISES

- 2.1** The premises is currently licenced. The current licence has been attached as **Appendix C**.

3.0 OPERATING SCHEDULE

- 3.1** The operating schedule is completed by the applicant and contains additional measures which promote the four licensing objectives as required by provision of the Licensing Act 2003. Included below are the measures agreed with the Environmental Health Officer following the statutory consultation period:
- 3.2** Noise from music 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.
- 3.3** Doors and windows of the premises shall be closed after 23:00hrs on any day (except for access/egress).
- 3.4** There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public notices requiring customers to leave the premises and the area quietly
- 3.5** Sales of alcohol should not be permitted in the external areas beyond 21:00hrs

- 3.6** Tables and chairs will not be permitted in the external areas to the right of the main building (adjoining 153 Bloomsbury Lane); to the front of the building (adjacent to Bloomsbury Lane); or, to the left of the building (adjacent to 145 Bloomsbury Lane) at any point in front of the back corner of the beer store.
- 3.7** No regulated entertainment shall take place in any external areas of the site.
- 3.8** The applicant shall submit for approval (such approval not to be unreasonably withheld) prior to the commencement of alcohol sales in external areas, a noise management plan for the said areas. The noise management plan shall be implemented at all times that these areas are in use.

4.0 STATEMENT OF LICENSING POLICY

- 4.1** The following extracts from the Council's statement of licensing policy are brought to the general attention of members:
- 4.2** (1.8) Every application considered by the Council under this policy will be considered on its merits, and regard will be given to the Guidance issued under Section 182 of the Licensing Act 2003 and any supporting regulations..
- 4.3** (1.9) Nothing in the policy will undermine the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Appropriate weight will be given to all relevant representations. This will not include those that are frivolous, vexatious or repetitious.
- 4.4** (1.12) The licensing process can only seek to control those measures within the control of the licensee, and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:
- Matters within the control of individual licensees and others who are granted any relevant authorisations;
 - The premises and places being used for licensable activities and their vicinity; and
 - The direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.5** (5.6) When considering applications for later closing times in respect of premises licences, where relevant representations have been made, the Council will take the following into consideration in accordance with Government Guidance:
- Whether the premises is located in a predominately commercial area
 - The nature of the proposed activities to be provided at the premises
 - Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
 - Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents
 - Whether operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance

- Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
- Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it
- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a responsible authority or interested party that identify the premises as a focus for disorder and disturbance.

4.6 (5.8) As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure that disturbance to local residents is minimised. The Council considers that it is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2 a.m. than at 11 p.m. It is, therefore, the policy of the Council to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. In predominantly residential areas, therefore, it may not be appropriate to allow closing times later than midnight. It may be acceptable to open later on a limited number of occasions, for example up to 15 times a year. This would allow licensees to extend opening beyond midnight for special occasions such as New Year. However, every application will be determined on its merits, and applicants wishing to operate beyond midnight will need to demonstrate to the satisfaction of the Council, in their operating schedule, that there will be no significant disturbance to members of the public living, working or otherwise engaged in normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of "prevention of public nuisance".

4.7 (6.4) Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Such measures may include:

- The capability of the person who is in charge of the premises during trading hours or when Regulated Entertainment is provided to effectively and responsibly manage and supervise the premises, including associated open areas
- The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder, and where appropriate any relevant qualifications.
- The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises
- The features currently in place or planned for physical security at the premises, such as lighting outside the premises
- Policies adopted to meet appropriate best practice in accordance with existing guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and

- other recognised codes of practice, e.g. British Beer and Pub Association Partnerships Initiative.
- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.
- 4.8** (6.7) Where additional measures have been identified as likely to have an impact on the prevention of crime and disorder at any premises, the Council would expect applicants to detail such measures to be taken in their operating schedules. Such measures may include:
- Provision of effective CCTV with recording facilities both within and outside certain premises
 - Crime prevention design, including adequate lighting and supervision of car parks
 - Metal detection and search facilities
 - Procedures for risk assessing promotions and events such as 'happy hours' for the potential to cause crime and disorder, and plans for minimising such risks
 - Measures to prevent the use or supply of illegal drugs
 - Employment of Security Industry Authority licensed door supervisors and other appropriately trained staff
 - Participation in an appropriate Pubwatch Scheme or other similar scheme
 - Promotion of safe drinking
 - The control of glass and the provision of plastic containers or toughened glass
 - Use of radio net system (where available)
 - Provisions for dealing with prostitution or indecency
 - Provisions for discouraging drinking in public places in the vicinity of the premises
 - Policies on dress and music
 - Appropriate additional staff training.
- 4.9** (6.8) All premises applying for licensing beyond 00:00hrs must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.
- 4.10** (6.10) Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.
- 4.11** (7.5) In considering applications, the Council will expect to see evidence that the applicant has identified matters that impact on the likelihood of public nuisance and that these matters have been addressed in the operating schedule. Such measures may include:
- Measures taken or proposed to be taken to prevent noise and vibration escaping from the premises or in the immediate vicinity of the premises and including any outside areas (including smoking areas) bearing in mind the location of premises and proximity to residential and other

noise sensitive premises (e.g. hospitals, hospices and places of worship); This would include music, ventilation equipment noise and human voices, whether or not amplified;

- Measures taken or proposed for management and supervision of the premises and associated open areas to minimise unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
- Control of opening hours for all or part (e.g. garden areas) of the premises
- Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity
- Steps taken to lessen the impact of parking in the local vicinity
- Measures taken to prevent someone who has consumed excess alcohol from entering the premises and to manage individuals on the premises who have consumed excess alcohol
- Management arrangements for collection and disposal of litter and refuse, and the control of pests
- Arrangements for ensuring that adequate and suitably maintained sanitary provision and washing facilities are provided for the number of people expected to attend any premises or events
- A ‘wind down time’ after the last service of alcohol, during which time the venue may offer for sale non-alcohol beverages
- A ‘last admission time’ policy
- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics.

4.12 (11.7) Standardised conditions will be avoided, although ‘pools of conditions’ will be used from which necessary and proportionate conditions may be drawn in particular circumstances.

4.13 (11.8) Conditions attached to licenses and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.

4.14 (11.9) Conditions will not be imposed which are beyond the responsibility or control of the licence holder.

5.0 CONSULTATION

5.1 The responsible authorities included in consultation are; Greater Manchester Police, Greater Manchester Fire & Rescue, Environmental Health & Pollution Control, Building Control, Health and Safety Team, Home Office Immigration Enforcement, Planning Department, Safeguarding Children Team, Trading Standards and Public Health.

5.2 Of those consultees identified in paragraph 5.1, a representation was received from the Trafford Council Pollution Control Authority and satisfied through additional conditions agreed with the applicant (see section 3) The Licensing Authority also received 3 representations from Other Persons. All representations are attached as **Appendix D**.

- 5.4** A copy of the report and all representations received have been sent to the applicant.
- 5.5** Those that have made representations have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.

6.0 LEGAL CONSIDERATIONS

- 6.1** Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.
- 6.2** The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probabilities and any decision should be based on the individual merits of the application.
- 6.3** 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.
- 6.4** There is a right of appeal to the Magistrates Court within 21 days from the date the Applicant is notified of the decision of the Licensing Sub-Committee.