



**TRAFFORD**  
**COUNCIL**

**AGENDA PAPERS FOR  
LICENSING SUB-COMMITTEE MEETING**

**Date: Thursday, 23 October 2014**

**Time: 6.30 pm**

**Place: Committee Room 2 and 3, Trafford Town Hall, Talbot Road, Stretford M32  
0TH**

<b>A G E N D A</b>	<b>PART I</b>	<b>Pages</b>
1.	<b>ATTENDANCES</b>	
	To note attendances, including Officers and any apologies for absence.	
2.	<b>APPLICATION TO VARY AN EXISTING PREMISES LICENCE - THE MOOSE - 193 ASHLEY ROAD, HALE, ALTRINCHAM, WA15 9SQ</b>	1 - 28
3.	<b>APPLICATIONS WITH ALL PARTY AGREEMENT (STANDING ITEM)</b>	
	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.	
4.	<b>URGENT BUSINESS (IF ANY)</b>	
	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. Freeman, P. Lally and B. Sharp (Chairman)

Further Information

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

Mrs Ruth Worsley, Democratic Services Officer

Email: [ruth.worsley@trafford.gov.uk](mailto:ruth.worsley@trafford.gov.uk)

This agenda was issued on **Wednesday, 15 October 2014** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford  
M32 0TH..

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Please contact the Democratic Services Officer 48 hours in advance of the meeting if you intend to do this or have any queries

## TRAFFORD COUNCIL

THE LICENSING SUB COMMITTEE – 23<sup>RD</sup> OCTOBER 2014

## REPORT OF THE HEAD OF PUBLIC PROTECTION

### REPORT REF. NO.

APPLICATION TO VARY AN EXISTING PREMISES LICENCE –  
THE MOOSE - 193 ASHLEY ROAD, HALE, ALTRINCHAM, CHESHIRE, WA15 9SQ

### PURPOSE

To invite Members to consider an application to vary an existing premises licence which has received representations from the Council's Pollution Section and a local resident.

### OPTIONS

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.

**Iain Veitch**  
**Head of Public Protection**

Further Information From:

Name: Joanne Boyle  
Team Leader (Licensing)  
Extension: 4129

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

### Appendices:

- Appendix A – Application, Operating Schedule, Current Premises licence and Plans (including new layout of premises)
- Appendix B1 – Representation from Pollution Section
- Appendix B2 – Representation from local resident
- Appendix C - Extract of Secretary of States Guidance – Licensing Objective: Public Nuisance
- Appendix D – Extract of Trafford Council Licensing Policy 2011 – 2014
  - 7.0 Licensing Objectives – Public Nuisance

## 1. Background

1.1 The premises known as The Moose - 193 Ashley Road, Hale, Altrincham, Cheshire currently holds a premises licence (PL051062). The premises is described as a wine bar.

1.2 The current premises licence permits the following activities:

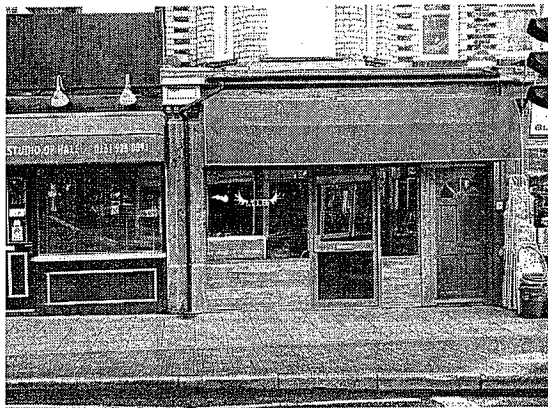
Sale of Alcohol (on & off premises)

Monday to Sunday : 10.00 – 23.00

Provision of Regulated Entertainment (indoors)

Recorded Music

Monday to Sunday : 09.00 – 23.00



## 2. Application

2.1 On 5<sup>th</sup> September 2014, the Licensing Section received an application from The Little Deli (Knutsford) Ltd., to vary the current premises licence for 193 Ashley Road, Hale, Altrincham, Cheshire, WA15 9SQ. (**Appendix A**).

2.2 The application requests an extension to the current licensing hours and the inclusion of the outside decking area on to the current plans.

2.3 The hours requested for the licensable activities on the variation application are as follows:

Sale of Alcohol (on & off premises) :

Monday to Sunday : 10.00 – 00.00

Provision of Regulated Entertainment : (indoors)

Recorded Music

Sunday to Wednesday : 09.00 – 00.00

Thursday to Saturday : 09.00 – 00.30

- 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 On the 26<sup>th</sup> September 2014 the Council's Pollution Section agreed with the applicant that the following condition be included on the premises licence if the variation was granted: (**Appendix B1**)

'The use of the external drinking area to the rear of the property shall not be permitted beyond 9.00pm.'

The applicant has confirmed in writing his agreement to the inclusion of this condition.

- 3.2 On the 25<sup>th</sup> September 2014 the Licensing Section received a representation from a local resident objecting to the extension of the licensed area to include the external drinking area. (**Appendix B2**)

### 4. Options

- 4.1 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:

4.1.1 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

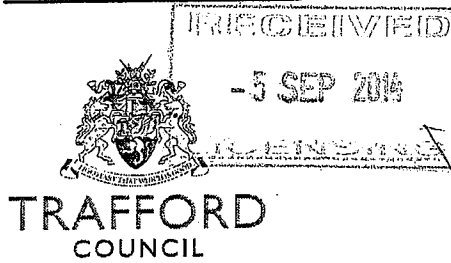
4.1.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;

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

4.1.4 to reject the application.

- 4.2 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.

- 4.3 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 C & D**)



LA0337/14  
LW: 3/10

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.

We The Little Deli (Knutsford) Limited

*(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

<p>Premises licence number PL051062</p>
---

Part 1 – Premises Details

<p>Postal address of premises or, if none, ordnance survey map reference or description The Moose 193 Ashley Road Hale Altrincham Cheshire WA15 9SQ</p>			
<p>Post town</p>	<p>Altrincham</p>	<p>Post code</p>	<p>WA15 9SQ</p>

<p>Telephone number at premises (if any)</p>	
<p>Non-domestic rateable value of premises</p>	<p>£15,000.00</p>

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Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	42 Stamford Park Road Altrincham Cheshire WA15 9EP		
Post Town	Altrincham	Postcode	WA15 9EP

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

To extend licensable hours for sale of alcohol and regulated entertainment for recorded music, dancing and singing as detailed in the application.

All other timings and conditions remain the same.

NEW ground floor licensed layout plan attached to include external decking area – all other plans remain unaltered.

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

[ ]

# APPENDIX A

## 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 tick yes

- 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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M



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F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	09.00	24.00			
Tue	09.00	24.00	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Wed	09.00	24.00			
Thur	09.00	00.30	<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri	09.00	00.30			
Sat	09.00	00.30			
Sun	09.00	24.00			

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H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	09.00	24.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	09.00	24.00	Please give further details here (please read guidance note 3)		
Wed	09.00	24.00			
Thur	09.00	00.30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	09.00	00.30			
Sat	09.00	00.30	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	09.00	24.00			

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J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Mon	10.00	24.00			
Tue	10.00	24.00			
Wed	10.00	24.00			
Thur	10.00	00.30			
Fri	10.00	00.30			
Sat	10.00	00.30			
Sun	10.00	24.00			
			<b><u>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</u></b> (please read guidance note 5)		

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 8)**

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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	00.30	
Tue	09.00	00.30	
Wed	09.00	00.30	
Thur	09.00	01.00	
Fri	09.00	01.00	
Sat	09.00	01.00	
Sun	09.00	00.30	
<b><u>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</u></b> (please read guidance note 5)			

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

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Please tick yes

- 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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
--

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**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,e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

conditions remain the same

**c) Public safety**

conditions remain the same

**d) The prevention of public nuisance**

conditions remain the same

**e) The protection of children from harm**

conditions remain the same

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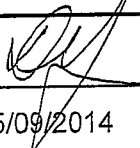
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable – ELECTRONICALLY SERVED THROUGH LICENSING
- 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	05/09/2014
Capacity	DIRECTOR - The Little Deli (Knutsford) Limited

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 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

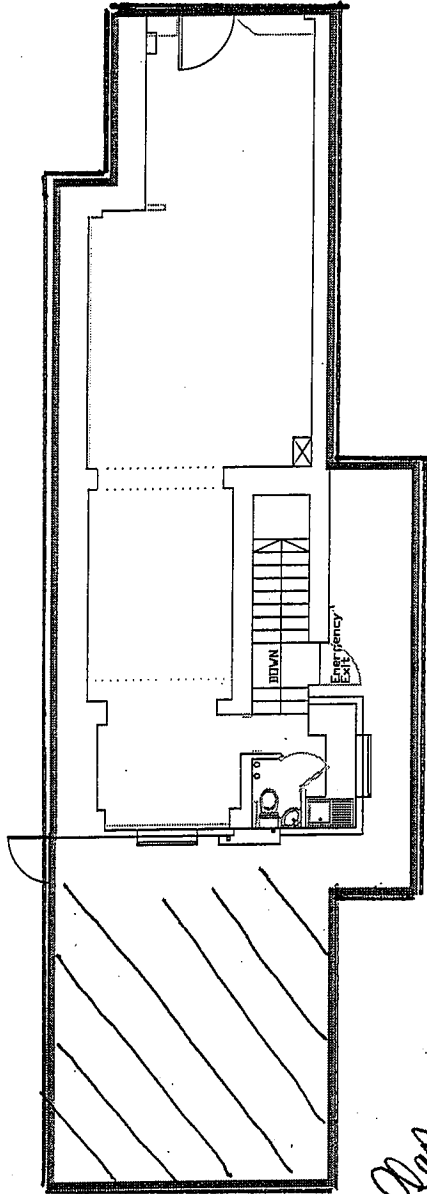
**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

Mr David Michael Sorrigan  
 c/o The Little Deli (Knutsford) Limited  
 42 Stamford Park Road  
 Altrincham  
 Cheshire  
 WA15 9EP

Post town	Altrincham	Post code	WA15 9EP
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]			

APPENDIX A

GROUND FLOOR LAYOUT (S19M)



SCALE 1:100 @ A3

EXTERNAL  
DECKING  
AREA  
to be added to  
revised layout Plan

THE MOOSE 193 ASHLEY ROAD MALE  
ALTRINCHAM CHESHIRE WA15 9SQ



# APPENDIX A



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## TRAFFORD COUNCIL

<b>THE MOOSE</b> 193 ASHLEY ROAD HALE	Scale 1/1250	Date Oct 14	File No.
	Drawn KI		
	Area (or thereabouts):		

Licensing Act 2003

**Premises Licence**

**PL051062**

Part 1 – Premises Details

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

The Moose  
193 Ashley Road, Hale, Altrincham, WA15 9SQ

Telephone :

**WHERE THE LICENCE IS TIME LIMITED, THE DATES**

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Recorded Music  
Supply of Alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

**Recorded Music-Indoors**

Monday to Sunday - 09:00 to 23:00

Non Standard Timings:

From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

An extra hour on the date when British Summer Time commences.

**Alcohol-On & Off the premises**

Monday to Sunday - 10:00 to 23:00

Non Standard Timings:

From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

An extra hour on the date when British Summer Time commences.

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**THE OPENING HOURS OF THE PREMISES**

Monday to Sunday - 08:00 to 00:00

Non Standard Timings:

From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

An extra hour on the date when British Summer Time commences.

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

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

Part 2

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

The Little Deli (Knutsford) Limited  
42 Stamford Park Road, Altrincham, WA15 9EP

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

08527272

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

Mr Oliver Haussels

Telephone:

**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: PA0530

Issued by : Trafford

# APPENDIX A

## **ANNEXES**

This licence shall be read in conjunction with plan reference PL051062 – 16112013

### **Annex 1 – Mandatory Conditions**

#### **W01**

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.

#### **W02**

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

#### **W07**

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).

#### **W08**

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

#### **W09**

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

## APPENDIX A

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.

### **W10**

(a) 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.

(b) 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.

### **W11**

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.

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### Annex 2 – Conditions Consistent with the Operating Schedule

The licence holder shall ensure that:

1. The premises are fully equipped with CCTV to ensure the safety of the staff, customers and the general public.
2. All staff are trained in the responsible retailing of alcohol on a six monthly basis.
3. There is a strict "Challenge 25" protocol in the retail establishment and also customers drinking on the premises must do so responsibly.
4. Customers who appear to be intoxicated will be refused service.

### Annex 3 – Conditions Attached After a Hearing of the Licensing Committee - 15th November 2013

#### PPN3

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".

#### PPN4

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

#### 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 B1

**Taylor1, Janet**

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**From:** Pollitt, Richard  
**Sent:** 26 September 2014 15:17  
**To:** David Sorrigan (dsorrigan@aol.com)  
**Cc:** Taylor1, Janet  
**Subject:** The Moose Bar, 193 Ashey Hale.

David,

Further to the premises license variation application you have submitted to Trafford Council for the The Moose Bar, 193 Ashley Road I would like to confirm that we have agreed for the following additional condition to be included on the premises license;

- 1) The use of the external drinking area to the rear of the property should not be permitted beyond 9pm.

Please confirm that you are in agreement for this additional condition to be included.

Regards

Richard Pollitt  
Scientific Officer  
Trafford Council  
Pollution, Housing and Licensing  
Trafford Town Hall  
0161 912 4568

APPENDIX B2

Jan Taylor  
Licensing Officer  
Regulatory Services  
Trafford Council  
Licensing Section  
Trafford Town Hall  
Talbot Road  
Stretford  
Manchester  
M32 0TH

As requested by you, 3 Oct. 2014, I append below the signed hard copy of my objection to the grant of a major variation (LA0376/14) of the current licence previously approved for The Moose, 193 Ashley Road, Hale WA15 9SQ

I have countersigned the document as requested. Additionally I have copied in Councillor Chris Candish.

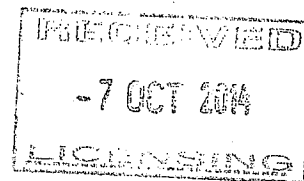
To the Licensing Officer

I am objecting to the grant of licence to the above premises to extend its right to permit customers to take and consume alcohol in the external beer garden that it has constructed at the rear of its premises. This garden is within 3 metres of my residence and fencing and directly backs onto the boundary of number 15 Addison Road which is currently unoccupied and in the process of sale.

The Moose has been operating this beer garden unlicensed, openly advertising it on a portable billboard outside the front of its premises for the majority of this year. The noise emanating from this garden has been unbearable for the majority of the summer weekends: starting Friday evenings and running through Sunday evenings. The effect of the disturbance can be best described as that from a non-stop party crowd, it is relentless during this period and is raised in volume as the evening proceeds. The surrounding buildings reverberate this noise to almost stereophonic effect. At least with a neighbours' party (which are exceptionally rarely held) some moderating influence is brought to bear by the neighbour and the nuisance limited. In the case of the Moose there is no moderating level and the nuisance is continued afternoon after afternoon, evening after evening.



Stephen Waldron  
13 Addison Road  
Hale  
WA15 9BQ



4 October 2014



## Secretary of State's Guidance

### PUBLIC NUISANCE

- 2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.<sup>21</sup>
- 2.34 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.
- 2.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise in the immediate vicinity of

the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.

- 2.37 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.
- 2.39 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.
- 2.40 The cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require premises serving customers from take-aways and fast food outlets from 11.00pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter. Such conditions may be necessary and appropriate in circumstances where customers late at night may have been consuming alcohol and be inclined to carelessness and anti-social behaviour.

## Trafford Council – Licensing Policy 2011-2014

### 7.0 LICENCE OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE

7.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation.

The Council recognises the need to prevent public nuisance to residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.

7.2 Public nuisance in this context includes such issues as noise and disturbance, light pollution, odour, vermin and pest infestations, accumulations of refuse and litter, and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

7.3 The Council, however, recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.

7.4 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 public nuisance.

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 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.

7.6 The extent to which the above matters need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. In general, however, the Council will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of public nuisance issues.

7.7 The Council will have regard to representations from the responsible authorities to determine if measures proposed are sufficient to reduce the risk of public nuisance. Where representations indicate that any matter has not been addressed sufficiently to prevent public nuisance the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation.

7.8 Where appropriate the applicant will be expected to propose practical steps to prevent disturbance to local residents and to have regard to the "Good Practice Guide on the Control of Noise from Pubs and Clubs" produced by the Institute of Acoustics. Where noise has been identified as a potential problem by the applicant or Council officers, then the Council would expect the applicant to detail the measures proposed to address this issue within the operating schedule. Noise could relate not only to music but also from air handling equipment or from patrons. There are a number of practical ways in which sound leakage can be addressed, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation or, if necessary, air conditioning
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level
- Installing soundproofing measures to contain sound and vibration.

7.9 In premises where patrons leave the premises particularly late at night or early in the morning, the Council will expect the applicant to have included in the operating schedule practical steps for reducing noise disturbance, such as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, and to respect the rights of nearby residents

- At appropriate times making loudspeaker announcements to the same effect
- Instructing door staff to ask customers leaving the premises to leave the area quietly
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down
- Banning from the premises people who regularly leave in a noisy manner
- The supervision of any queues formed late in the evening so as to keep noise and disturbance to a minimum.

7.10 Where relevant representations have been received, conditions may be imposed which include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises.

7.11 In considering an application, the Council will take into account previous noise and nuisance complaints, and the ability/willingness of the licensee to deal with such complaints.

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