

## LICENSING SUB-COMMITTEE

24 MAY 2021

### PRESENT

Councillor D. Jarman (in the Chair).  
Councillors D. Butt and S. Thomas.

#### In attendance

C. Myers	Solicitor,
K. Hinchliffe	Senior Licensing Officer,
N. Owen	Governance Officer.

#### 4. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT THE UP TOP, 4TH FLOOR, MSCP, STRETFORD MALL, KINGSWAY, STRETFORD, M32 9BD

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a new premises licence for The Up Top, 4<sup>th</sup> floor MSCP, Stretford Mall, Kingsway, Stretford, M32 9BD which had attracted representations from local residents. All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application on behalf of the applicant by Ms. H. Garlick. Representations were made against the application by Mr. L Affleck and Ms N. Duckworth from Trafford Council's Environmental Health section.

#### RESOLVED –

- 1) That the application by The Up Top Ltd for the grant of a new premises licence for The Up Top, 4<sup>th</sup> floor MSCP, Stretford Mall, Kingsway, Stretford be granted subject to compliance with the conditions outlined in the decision notice.
- 2) That the issue of the Licence be delegated to the Head of Regulatory Services.

### LICENSING SUB-COMMITTEE DECISION NOTICE

**Sub Committee Members:** Councillor D. Jarman (Chairperson)  
Councillor D. Butt  
Councillor S. Thomas

**Applicant:** The Up Top Ltd

**Type of Licence:** Grant of a new Premises Licence: The Up Top, 4<sup>th</sup> Floor MSCP, Stretford Mall, Kingsway, Stretford, M32 9BD

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**Representors:** Environmental Health – in attendance  
Mr. L. Affleck  
Ms N Duckworth

**Parties Present:** On behalf of Applicant – in attendance  
Ms H. Garlick on behalf of The Up Top Ltd

Officers

Caroline Myers – Solicitor  
Kieran Hinchliffe – Senior Licensing Officer  
Natalie Owen – Governance Officer

**Date of Hearing:** 24 May 2021  
**Time Commence:** 6.55 p.m.  
**Time Terminated:** 8.10 p.m.

**LICENSING SUB-COMMITTEE DECISION**

The Sub-Committee decided that the representation received from Environmental Health was a relevant representation.

To grant a new premises licence as follows:-

Films - Outdoors

Friday – Sunday                      20:00 – 23:00

Supply of Alcohol (On and Off Sales)

Sunday – Thursday                  12:00 – 21:30

Friday – Saturday                    12:00 – 22:00

Opening Hours

Sunday – Thursday                  12:00 – 21:30

Friday – Saturday                    12:00 – 22:00

**CONDITIONS**

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

**ADDITIONAL CONDITIONS**

1. During day-to-day use, no more than 125 customers shall be permitted on the premises, during event use no more than 500 customers shall be permitted on the premises.
2. The premises licence holder shall ensure a suitable method of calculating the number of people present during the licensable activities is in place.

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3. Door supervisors shall be provided on event days. Door supervisors shall be on duty from 6pm and must remain on duty until the premises are closed and the all the customers have left.
4. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the expected attendance.
5. Any door supervisors on duty at the premises shall be supplied by an SIA-approved Contractor Scheme company.
6. Door supervisors shall be provided with radios to enable them to contact each other and the duty manager at the premises.
7. No promotional social media communication shall be carried on for the purpose of encouraging the sale or supply of alcohol at the premise, which can reasonably be considered to condone, encourage or glamourise antisocial behaviour or to refer to the effects of drunkenness in a favourable manner.
8. The premises licence holder shall ensure that CCTV cameras are located within the premises to cover all public areas including all entrances and exits. The CCTV system operates at all times where the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
9. An incident log shall be kept at the premises for at least six months and made available on request to the police or an authorised officer of the licensing authority which will record the following incidents including pertinent details: all alleged crimes reported to the venue, all ejections of patrons, any complaints received, any incident of disorder, seizures of drugs, offensive weapons, fraudulent ID or other items, any refusal of the sale of alcohol, any visit by a responsible authority or emergency service.
10. All staff authorised to sell alcohol shall be trained in prevent underage sales; maintain refusals log; enter sales correctly in till; recognise signs of drunkenness and vulnerability; how overservice of alcohol impacts on the four licensing objectives; how to refuse service; the premises duty of care policy; action to be taken in the event of an emergency; the conditions in force under this licence. Documented records of training completed shall be kept for each member of staff.
11. The premises licence holder shall comply with the Operational Protocol submitted to and approved by the Licensing Authority and no changes will be made to the Operational Protocol without the prior written consent of the Licensing Authority.
12. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment is available on the premises and that adequate records are maintained in relation to the supply of any first aid treatment.

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13. All bar staff and door staff on duty at the premises shall be trained in the emergency and evacuation procedures for the premises and aware of their individual responsibilities. Documented records of training completed shall be kept for each member of staff.

14. Between the hours of 2100 and 0900 no waste/glass bottles shall be moved or deposited outside.

15. The dispersal of customers from the premises must be managed in accordance with public announcements requesting customers to leave quietly and minimise disturbance to nearby residents.

16. Customers will not be permitted to remove from the premises any drinks supplied by the premises in open containers except for consumption in delineated external areas.

17. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age.

18. Proof of age shall only comprise a passport, an EU EEA national ID card or similar document or photo card driving licence.

19. The premises shall display prominent signage at any point of sale that the Challenge 25 scheme is in operation.

20. All staff authorised to sell alcohol shall be trained in prevent underage sales

21. The premises shall be operated in accordance with the approved Noise Management Plan submitted in support of 100666/FUL/20.

22. The Licensing Authority must be notified of events by the submission of an Event Management Plan a minimum of 14 days prior to the event.

### **LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION**

The Sub-Committee considered the Licensing Act 2003 and regulations, the Guidance and the Council's Licensing Policy and the application, together with the information provided by all parties at the hearing.

The Sub-Committee heard from the Licensing Officer who presented his report.

The Sub-Committee was satisfied that the statutory requirements regarding notices, advertisements and time limits had been complied with.

The Sub-Committee noted that the concerns raised by Environmental Health were mainly on the grounds of public safety in relation to the structural safety of the event space.

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The Sub-Committee noted that the applicant had included a number of additional measures on the operating schedule to illustrate how they propose to promote the four licensing objectives, including a condition in agreement with Environmental Health to operate the premises in accordance with a noise management plan.

The applicant described her plans for the premises, to offer a community garden and pop-up event space with food and drink in the centre of Stretford.

Members asked about access and egress to the premises. The applicant advised that day to day access would be by the lifts in the mall. On event days (once a month cinema screenings) access would be via the car ramp. During this time there would be extra protocols in place and marshals. Customers would be able to access toilets in the mall but access to the mall itself would be restricted by barriers and security staff. The applicant advised that she planned to eventually install toilets on the premises itself which would use harvested rainwater to be stored on the 3<sup>rd</sup> floor of the car park.

The applicant advised that there will be one evac chair and all staff will be trained in its use.

A member asked about the use of glassware and the applicant advised that at events plastic or polycarbonate vessels would be used.

The applicant advised that children will not be encouraged at the premises. She is planning to hold family events run by an external organisation for children and their parents once per month on Saturday during the day. Alcohol would be on sale at that time.

Event use (cinema once a month) will be ticketed and fully marshalled.

The Environmental Health Officers raised their concerns in relation to the structure and weightload at the premises. The Sub-Committee carefully considered the issues raised but were satisfied that the applicant must comply with alternative legislation, as the premises is open to the public and as an employer, in relation to the safety or satisfactory nature of the premises' structure and it would be not be appropriate for the Sub-Committee to impose any licensing conditions relating to that.

Environmental Health Officers confirmed that the issue they had raised regarding fencing/barriers and the buffer zone had been resolved.

The Sub-Committee carefully considered the concerns raised by Environmental Health and balanced those concerns with the interests of the applicant and the licensing objectives.

The Sub-Committee granted the licence with the addition of one condition:  
The Licensing Authority must be notified of events by the submission of an Event Management Plan a minimum of 14 days prior to an event.

The meeting commenced at 6.55 pm and finished at 8.10 pm