

## LICENSING SUB-COMMITTEE

9 AUGUST 2023

### PRESENT

Councillor J. Holden (in the Chair).  
Councillor G. Carter

#### In attendance

J Parry – Locum Litigation Lawyer  
J Boyle - Licensing Team Leader  
S Hilton – Licensing Officer  
N Owen – Governance Officer

1. **OBJECTION FROM ENVIRONMENTAL HEALTH AND GREATER MANCHESTER POLICE TO A TEMPORARY EVENT NOTICE ISSUED FOR OS REFERENCE SJ771867, OUTSIDE PEOPLE BAR AND RESTAURANT, CORNER OF WESTGATE AND ASHLEY ROAD, ALTRINCHAM, WA15 9AY.**

The Head of Regulatory Services submitted a report informing Members of an objection from Environmental Health and Greater Manchester Police to a Temporary Event Notice for OS Reference SJ771867, outside People Bar and Restaurant, corner of Westgate and Ashley Road, Hale, WA15 9AY.

RESOLVED –

- (1) That the objection notices dated 3<sup>rd</sup> August 2023 be accepted as outlined in the decision notice below.
- (2) That a Counter Notice to the Temporary Event Notice be issued.

### LICENSING SUB-COMMITTEE DECISION NOTICE

#### **Sub Committee**

**Members:** Councillor J. Holden  
Councillor G. Carter

**Applicant:** Mr. Adam Hilton

**Type of Licence:** Temporary Event Notice(s) – OS Reference SJ771867, outside People Bar and Restaurant, corner of Westgate and Ashley Road, Hale, WA15 9NY

**Representors:** Greater Manchester Police – P.C. J Lloyd  
Environmental Health – Mrs. A Acton

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**Parties Present:** Officers  
James Parry – Locum Litigation Lawyer  
Joanne Boyle - Licensing Team Leader  
Stacey Hilton – Licensing Officer  
Natalie Owen – Governance Officer

**Date of Hearing:** Wednesday 9<sup>th</sup> August 2023

**Time Commence:** 6.40 p.m.

**Time Terminated:** 6.55 p.m

**LICENSING SUB-COMMITTEE DECISION**

The Sub Committee have considered the licensing objectives and they accept the police objection notice & the Environmental Health objection notice to the Temporary Event Notice dated 3<sup>rd</sup> August 2023.

The Sub Committee have determined to issue a counter notice to the Temporary Event Notice(s) pursuant to section 105 of the Licensing Act 2003.

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

On the 9th August 2023 we formed a licensing sub-committee to consider an Temporary Event Notice submitted by Adam Hilton on behalf of Hilton BevCo Limited who sought to park their mobile horsebox bar across Westgate at the junction with Ashley Road in the centre of Hale on the 3rd September 2023 between 10:00am and 6:00pm for the purposes of serving alcohol.

We have been referred to two sets of representations, the first issued by Alison Acton on behalf of the Environmental Health Authority which objected to the notice on the grounds that:

1. The applicant does not have a street trading licence and would commit an offence by trading on the street in the circumstances described by the applicant, and:
2. That the location at which the vehicle is to be parked would create an obstruction and a risk to public safety.

The second counter notice was received from Greater Manchester Police. On the Chief Constable's behalf, PC Lloyd states that:

1. The serving of alcohol in open containers to members of the general public would conflict with an existing public spaces protection notice, which prohibits

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members of the public from being in possession of open containers of alcohol in that locality, and:

2. That the statutory requirement that no more than 500 people can be on the premises at any one time cannot be achieved due to the nature of the public space and the number of persons who may attend to watch the event the applicant wishes to serve.

We were obliged to consider the matter at a meeting.

We have considered the licensing objectives and in particular the prevention of crime and disorder, public safety and the prevention of nuisance.

We are persuaded that what is sought would involve the commission of an offence in respect of street trading and would aid and abet and encourage members of the public to commit the offence of breaching the public spaces protection spaces order.

We are also of the view that the proposed siting of the vehicle would cause an obstruction and present a risk to public safety.

We have therefore resolved that the proposed temporary event cannot proceed and have determined that a counter notice must be issued.

Having determined the matter on those grounds it is not necessary for us to consider the capacity argument, noting that it would be singularly impossible to define the physical area in which the numerical cap would apply.

The meeting commenced at 6.40 pm and finished at 6.55 pm