

LICENSING SUB-COMMITTEE

19 DECEMBER 2024

PRESENT

Councillor S.J. Haughey (in the Chair).
Councillors E.L.Hirst and J. Holden

In attendance

Ursula Smith – Licensing Officer
Pelumi Coker - Legal Assistant Corporate Governance
James Parry – Legal Officer
Natalie Owen – Democratic Officer

9. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT SO MARRAKECH 25 MARKET STREET, ALTRINCHAM WA14 1QS

The Head of Regulatory Services submitted a report informing members of an application for the grant of a premises licence for So Marrakech, 25 Market Street, Altrincham, WA14 1QS which had attracted representations from local residents.

Representations were made against the application by local residents and in support of the application by the applicant Miss A Damoussi.

RESOLVED:

- (1) That the application for the grant of a premises licence 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 S J Haughey
Councillor E L Hirst
Councillor J Holden

Applicant: Anissa Damoussi

Type of Licence: Grant of a Premises Licence: So Marrakesh ,25 Market Street, Altrincham WA14 1QS.

Representors: Environmental Health
Nasreen Ali

Local Residents
Nicola Bradshaw
Sara Coulson
Marc Dightam
Eleanor Hotchkiss

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Parties Present: Applicant
Anissa Damoussi

Local Residents
Nicola Bradshaw
Sara Coulson
Eleanor Hotchkiss

Officers
Ursula Smith – Licensing Officer
Pelumi Coker - Legal Assistant Corporate Governance
James Parry – Legal Officer
Natalie Owen – Democratic Officer

Date of Hearing: 19th December 2024
Time Commence: 6.30 p.m.
Time Terminated: 7:00 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee determined to grant a premises licence in respect of the premises known as “So Marrakesh, 25 Market Street, Altrincham WA14 1QS subject to the conditions shown in the schedule to this document.

LICENSING SUB-COMMITTEE’S REASONS

We had the benefit of receiving the Licensing Officer’s Report, a copy of the application and supporting documents and written representations from Nasreen Ali on behalf of Environmental Health and from Nicola Bradshaw, Sara Coulson, Marc Dightam and Eleanor Hotchkiss.

We were satisfied that the application had been properly made and that the applicant had complied with the Rules that regulated the advertising of the application.

We were also satisfied that the representations we have referred to above were received in time and were properly made so as to require us to consider them.

We were advised that the Applicant had agreed to conditions proposed by Environmental Health in advance of the hearing and on the Applicant consenting to have those conditions endorsed upon any licence we might grant, Ms. Ali’s representation was withdrawn.

We had the benefit of hearing from the remaining Representors who appeared before us. There was a common theme within those representations which was that the existing businesses and licensed premises within the location of these

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premises generates noise and a degree of nuisance. The Representors were all concerned that a grant of a further licence to the Applicant would increase the incidence of such nuisance.

The Representor's stated that there was already too much noise in the area which prevented them from sleeping. Another said that they were worried that patrons of the Applicant's premises might urinate in the entrances to the residential buildings above the retail premises and press the door buzzers. There was a further complaint of existing rowdiness in the street.

We heard that the premises have operated as a café for several years and for some time when the applicant was the proprietor of them. We noted that none of the Representors attributed any of their complaints to the operation of the Applicant's premises.

We noted that the Applicant does not seek authorisation for the provision of regulated entertainment and in particular the playing of live or recorded music, which would have the capacity to generate noise nuisance.

We noted that the conditions agreed with Environmental Health imposed much greater protection from noise nuisance that has hitherto been the case. Those conditions include provisions relating to noise management and the protection of noise sensitive premises from noise nuisance.

In considering this application we are of course unable to do anything that would impact on any other premises where noise nuisance or anti-social behaviour might arise. If there are such premises that can be shown to be generating the type of nuisance complained of by the Representors, those matters should be referred to Environmental Health or Licensing Enforcement for investigation. In the absence of any such nuisance being abated, the Representors have the statutory right to seek a review of the premises licence of the licence of any premises causing such a nuisance.

In such circumstances, and whilst we took note of the representations, we reminded ourselves that we must consider this application on its own merits. In doing so we are required to apply the statutory provisions, the licensing objectives and our own Council's policy and determine the application. We have done so.

We do not consider that the objections could properly be attributed to the past operation of these premises.

We were of the opinion that the use of the outside area of the premises which is sought to be licensed does have the capacity to cause noise nuisance to those who live immediately above the licensed premises and absent any other method of abating any noise nuisance from that area we believe the external part of the licensed area should not be used for the purpose of the retail sale of alcohol or any regulated entertainment after 21:00 and should be completely closed at 21:30 each night. Additionally, doors and windows that lead to that area should be closed after 21:30 to avoid the escape of noise from the premises.

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We also noted the Applicant's undertaking to install appropriate noise suppression materials within the premises as required to address any noise nuisance and in the light of that undertaking, we impose a condition that where that the applicant shall install such measures.

We were satisfied that with the addition of those conditions the proposed conditions were sufficient to mitigate concerns about nuisance.

We noted the absence of representations from Greater Manchester Police in respect of any risk of crime and disorder and concluded that there was no evidence to suggest that operation of these premises had or would contribute to crime and disorder in the locality.

No concerns have been expressed to us that the operation of the premises would place the safety of children in jeopardy.

Accordingly, we determined that the mandatory and additional conditions were sufficient to promote the licensing objectives and accordingly we resolved to GRANT THE APPLICATION subject to the mandatory and discretionary conditions shown in the schedule to this document.

RIGHT OF APPEAL

The Applicant or any person who has made representations in respect of this application may appeal against our decision to the Manchester Magistrates' Court, Crown Square, Manchester M60 1PR, telephone 0330 808 4407 email: GMManMags@justice.gov.uk.

Any such appeal must be commenced within 21 days of the receipt of this notice. A court fee may be payable, and you may become liable for the costs incurred by any opposing party, should your appeal be dismissed.

SCHEDULE

OPERATIONAL HOURS:

Opening Hours:

Monday to Sunday: 09.00 – 23.00

Retail Sale of Alcohol for consumption On the Premises

Monday to Sunday: 12.00 – 22.30

CONDITIONS

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Any mandatory conditions which must be included under the Licensing Act 2003, together with the following conditions offered by the Applicant and agreed by the Sub Committee:

1. The external areas of the licenced areas shall cease to be used for any authorised activity at 21:00 each day and shall be closed at 21:30. All doors and windows leading to the external licensed area shall be closed and kept closed after 21:30.
2. The premises shall install and maintain a digital CCTV system covering all areas of the licensed premises, including all public entry and exit points.
3. The CCTV cameras will continually record whilst the premises are being used for licensable activities. These recordings shall be kept for a minimum of 31 days with a date and time stamping.
4. There will always be a staff member on duty who is able to produce an image when requested by the police or any other authorised officer. Should the images be stored on a portable medium, ie flash cards, hard drives etc these will be securely stored.
5. Staff will be trained to operate the system, there will be training records kept and made available to authorised officers upon request.
6. Suitable refresher training to be completed at least once per calendar year commencing the year after their date of employment.
7. A written record to be retained for a minimum of 12 months and shall be made available to the Police and/or Licensing Authority upon request.
8. The DPS will ensure that a written statement of authorisation is produced and kept on the premises listing all people who are authorised to sell alcohol. This notice will be made available upon request by any authorised officer.
9. All staff who are authorised shall be able to identify themselves by means of ID if requested.
10. An incident log, (which may be electronically recorded) shall be kept at the premises, this will list all incidents that may take place on the premises that involve refusals or criminal incident.
11. The premises will be maintained in a safe manner at all times. All exits will be clear of hazards.
12. All refuse shall be disposed of in an appropriate manner.
13. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times. No bottle bins will be emptied before 10.00 am.

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14. A Challenge 25 proof of age policy will be implemented on the premises.
15. Age Verification shall only be by a current passport, photo driving licence, forces ID cards or any card that carries a PASS logo.
16. Staff will be trained to understand these policies and training records will be kept.
17. These records will be made available to the police.
18. Proxy Sale posters informing people of the offence relative to proxy sales will be on display at the premises.
19. 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.
20. External doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for ingress and egress to the premises.
21. 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.
22. No bottles shall be disposed of or collected from the premises between the hours of 9.00pm and 8.00am where such disposal or collection is likely to cause disturbance to local residents.
23. No amplified music / sound / speakers shall be permitted to any external part of the site.
24. A noise management plan shall be in place and shall incorporate; measures to minimise noise associated with site; a complaints procedure; objectively responding to issues swiftly; and maintaining good communications.
25. The premises licence holder shall install noise suppression materials and equipment where that is necessary to prevent the escape of noise from the premises that is capable of causing nuisance to noise sensitive premises above the premises.

The meeting commenced at 6.30 pm and finished at 7.00 pm.