

## TRAFFORD COUNCIL

**Report to:** Licensing Sub-Committee  
**Date:** 21 September 2021  
**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 S34 LICENSING ACT 2003 AT ALDI, SCHOOL ROAD, SALE, M33 7XY.**

### Summary

Under S35(3) of the Licensing Act 2003, Members are requested to determine an application for a variation to a premises licence in respect of Aldi, School Road, Sale, M33 7XY 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:

**Name:** Katie Armstrong, Licensing Officer.  
**Contact:** Licensing@trafford.gov.uk

**Background Papers:** None.

**Appendices:**  
A) Application for a Full Variation  
B) Blue Notice and Newspaper Advert  
C) Amendment of Hours  
D) Current Premises Licence  
E) 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 Emily Webb, Freeths LLP, on behalf of Aldi Stores Limited in respect of Aldi, School Road, Sale, M33 7XY.

**1.2** The application has been properly made and all procedures correctly followed. The application including the operating schedule has been attached as **Appendix A**. Photographs of the blue notice in place and copy of newspaper advert are attached as **Appendix B**.

**1.3** The applicant has applied to amend the opening hours and the sale of alcohol off the premises. The existing licensable hours are:

**Alcohol (Off)**

Monday – Sunday 08:00 – 23:00

**Opening Hours**

Monday – Sunday 08:00 – 23:00

**1.4** The proposed amended opening hours and the sale of alcohol off the premises.

**Alcohol (Off)**

Monday – Sunday 06:00 – 00:00

**Opening Hours**

Monday – Sunday 06:00 – 00:00

**1.5** The applicant further amended the timings during the consultation period.

**Alcohol (Off)**

Monday – Sunday 07:00 – 23:00

**Opening Hours**

Monday – Sunday 07:00 – 23:00

This correspondence is attached as **Appendix C**.

## **2.0 BACKGROUND AND HISTORY OF PREMISES**

2.1 The current premises licence is attached as **Appendix D**.

## **3.0 OPERATING SCHEDULE**

3.1 The operating schedule is completed by the applicant and in this instance no additional measures have been proposed to illustrate how they would promote the four licensing objectives under the Licensing Act 2003.

## **4.0 CONSULTATION**

4.1 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.

4.2 Of those consultees identified in paragraph 4.1, no representations were received.

4.3 A representation from four local residents and one local councillor have been received in respect of prevention of public nuisance and prevention of crime and disorder, attached as **Appendix E**.

4.4 Those who have made a representation have been informed that the application has been amended as detailed in paragraph 1.5.

4.5 Those that have made a representation have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.

4.6 A copy of the report and the representations received have been sent to the applicant.

## **5.0 LEGAL CONSIDERATIONS**

5.1 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.

5.2 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.

5.3 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.

**5.4** 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.