

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 24 May 2022
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 VITO'S, 184 ASHLEY ROAD, HALE, WA15 9SF

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 Vito's, 184 Ashley Road, Hale, WA14 9SF 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) Current Premises Licence and Plan
D) 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 Ashley Foods Ltd, in respect of: Vito's, 184 Ashley Road, Hale, WA14 9SF

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, extend the sale of alcohol on and off the premises and to extend the opening hours.

1.4 The current licensable hours are:

Alcohol (Off)

Monday – Sunday 12:00 – 23:00

Alcohol (On)

Monday – Sunday 12:00 – 23:00

Opening Hours

Monday – Sunday 12:00 – 23:00

1.5 The proposed variation to licensable activities and timings.

Alcohol (Off)

Sunday – Wednesday: 12:00 - 00:00

Thursday – Saturday: 12:00 - 00:30

Alcohol (On)

Sunday – Wednesday: 12:00 - 00:00

Thursday – Saturday: 12:00 - 00:30

Opening Hours

Sunday – Wednesday: 12:00 - 00:30

Thursday – Saturday: 12:00 - 01:00

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The current premises licence and plan is attached as **Appendix C**.

3.0 OPERATING SCHEDULE

3.1 The operating schedule is completed by the applicant and contains no amendment to the current schedule. The current conditions on the operating schedule are listed below:

1. The CCTV system will conform of the following points:

- Camera's to be sited observing the entrance and exit doors both inside and outside.
- Cameras on entrances will capture full frame shots of the heads and shoulder of all people entering the premises, in order to be capable of identification.
- Cameras viewing till areas must capture frames consisting of at least 50% of the screen.
- Cameras overlooking floor areas to be wide angles in order to give an overview of the premises.
- Be capable of visually confirming the nature of any crime committed.
- Provide a linked record of the date, time and place of any image.
- Provide good quality images - colour during opening hours.
- Operate under existing light levels within and outside the premises.
- Have the recording device located in a secure area or locked cabinet.
- Have a monitor to review images and recorded picture quality.
- Be regularly maintained in order to ensure continuous quality image capture retention.
- Have signage displayed in the customer area to advise that CCTV is in operation.
- Digital images to be kept for 31 days.
- Police will have access to images at any reasonable time.
- The equipment must have a suitable export method, e.g CD/DVD writer so that the police can make an evidential copy of any date they require. This data will be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e Manufacturer proprietary) then the manufacturer should supply replay software to ensure that the video on the CD/DVD can be replayed by the police.

2. Health and Safety assessments and appropriate measures/remedies will be conducted.

3. Appropriate fire safety procedures will be in place, including fire extinguishers, Foam, H2O, and CO2, fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting as shown on the plan.

4. The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.

5. All appliances will be inspected annually.

6. All emergency exits to be kept free of obstruction at all times.

7. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.

8. The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.

9. Free drinking water will be made available at all times the premises is open to the public.

10. All customers will be asked to leave quietly.

11. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard for our neighbours.

12. Windows and doors will be kept closed in order to prevent noise causing unreasonable disturbance to the wider public.

13. Speakers will be kept inside the premises, playing at a low volume and not near openings such as doors / windows.

14. The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM forces or by an EU country, bearing the photographic and date of birth bearer.

15. All staff will be trained for underage sales prevention regularly.

16. A register of refused sales shall be kept and maintained on premises at all times.

17. 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.

18. Doors and windows of the premises shall be closed for the duration that the premises are open (except for access/egress).

19. 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).

20. No Refuse shall be disposed of or collected from the premises between the hours of 19.00 hours and 08.00 hours Monday to Saturday and not at all on Sundays or Bank Holidays.

21. No amplified music / sound / speakers shall be permitted to any external part of the site.

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 one local resident and one local councillor have been received in respect of prevention of public nuisance attached as **Appendix D**.

4.4 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.