

AGENDA ITEM NO.

TRAFFORD COUNCIL

THE LICENSING SUB-COMMITTEE – 9TH APRIL 2014

REPORT OF THE HEAD OF PUBLIC PROTECTION

REPORT REF. NO.

APPLICATION FOR THE GRANT OF A PREMISES LICENCE – 28 GREENWOOD STREET, ALTRINCHAM, CHESHIRE WA14 1RZ

PURPOSE

To advise Members of an application for the Grant of a premises licence for 28 Greenwood Street, Altrincham, Cheshire WA14 1RZ which has attracted representations from both local residents and local businesses for and against this application.

OPTIONS

The Sub-Committee to take such steps as they consider necessary for the promotion of the Licensing Objectives in accordance with the provisions of subsection (4) of the Licensing Act 2003.

Iain Veitch
Head of Public Protection

Further Information From:

Name: Steve Bate
Senior Licensing Officer
Extension: 4144

Proper Officer for the purposes of L.G.A 1972,S.100D
(background papers): Head of Public Protection

Appendices:

Appendix A - Application and Operating Schedule (including premises layout)
Appendices B1 to B3 - Representations against application from local residents
Appendices B4 to B9 – Representations in support of the application
Appendices C1 to C3 – Extracts of Secretary of States Guidance – Licensing Objectives: Public Nuisance, Crime & Disorder and Public Safety
Appendices D1 to D3 – Extracts of Trafford Council Licensing Policy 2011 – 2014:
7.0 Licensing Objectives – Public Nuisance, Crime & Disorder and Public Safety

1. Background

The subject of this application is the premises located at 28 Greenwood Street, Altrincham which is a single purpose building adjoining another property known as 32 Greenwood Street. Both these properties are currently unlicensed for ground floor and first floor use.



In November 2005 when the Licensing Act 2003 was enacted, a premises licence was applied for and granted through Grandfather rights conversion to "Jamfish" for the buildings of 28 and 32 Greenwood Street combined.

It was then transferred to "Fat Loaf" and subsequently to "Mort Subite".

The licensable activities and hours granted for 28-32 Greenwood Street under Premises Licence PL000299 in November 2005 resulted in alcohol (on) sales, regulated entertainment and late night refreshment as detailed in the extract shown below.

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Saturday	11:00am	2:00am
	Sunday	Noon	10:30pm
F. Playing of recorded music (Indoors)	Monday to Saturday	11:00am	2:00am
	Sunday	Noon	10:30pm
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Saturday	11:00am	2:00am
	Sunday	Noon	10:30pm
I. Provision of facilities for making music (Indoors)	Monday to Saturday	11:00am	2:00am
	Sunday	Noon	10:30pm
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	11:00am	2:00am
	Sunday	Noon	10:30pm
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday to Saturday	11:00am	2:00am
	Sunday	Noon	10:30pm
L. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	2:00am
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Saturday	10:00am	2:00am
	Sunday	Noon	10:30pm

PL000299 remained in existence until 24th February, 2014 when the current Premises Licence Holder, Pink Island Limited, applied to vary the licence for "Mort Subite" to remove all licensable activities from the ground floor areas of 28 and 32 Greenwood Street thus leaving the properties unlicensed on these floors.

2. Application for the Grant of a Premises Licence

2.1 On 14th February 2014, the Licensing Section received an application (**Appendix A**) from Mr Mark Stephen Dale for the grant of a premises licence for the premises at 28 Greenwood Street, Altrincham, Cheshire WA14 1RZ.

2.2 The application requests the licensable activities of:

Sale of Alcohol (On & Off) the premises from:

Sunday to Wednesday 12:00 to 00:00

Thursday to Saturday 12:00 to 02:00

Regulated Entertainment (Indoors) from:

Sunday to Wednesday 12:00 to 00:00

Thursday to Saturday 12:00 to 02:00

Provision of Late Night Refreshment (Indoors) from:

Sunday to Wednesday 23:00 to 00:00

Thursday to Saturday 23:00 to 02:00

2.3 The applicant has complied with all requirements under the application process including advertising the application in a newspaper, advertising by way of public notice at the premises and submitting a copy of the complete application to all Responsible Authorities. The application is deemed to be correctly submitted.

3. Representations

3.1 Representations against the application have been received from local residents and are attached as **Appendices B1 to B3**.

3.2 Representations in support of the application have been received and are attached as **Appendices B4 to B9**.

3.3 The Committee are respectfully advised that the representations received against the application broadly relate to the Licensing Objectives:

- Prevention of Public Nuisance.

- Prevention of Crime & Disorder
- Public Safety

3.4 The Members will be required to determine the relevance of the representations. When considering the relevance of the representations the Licensing Sub-Committee must apply three rules:

- i. the representations must be from persons who live, or are involved in a business in the area and are likely to be affected by the application;
- ii. it must not be repetitious, vexatious or frivolous;
- iii. it must relate to one or more of the licensing objectives.

4. Licensing Policy and Guidance

4.1 The Committee are respectfully referred to the Council's own Licensing Policy relating to the Licensing Act 2003 objectives and to the Secretary of State's Guidance. **(Appendices C1 to C3 and D1 to D3).**

- Prevention of Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

5. Options

5.1 The Sub-Committee to take such steps as they consider necessary for the promotion of the Licensing Objectives in accordance with the provisions of subsection (4) of the Licensing Act 2003. The steps specified are:

5.1.1 To grant the licence subject to-

- Conditions consistent with the operating schedule accompanying the application modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and;
- Any mandatory conditions which must be included under the Licensing Act 2003

5.1.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;

5.1.3 to refuse to specify a person in the licence as the premises supervisor;

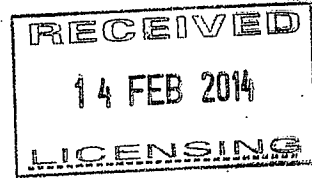
5.1.4 to reject the application.

5.2 The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probability 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.

ATWS0000154279 LA 0063/14
£190 Debit

LDO: 14/3



Application for a premises licence to be granted
under the Licensing Act 2003

Appendix A

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We MARK STEPHEN DALE
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>28, GREENWOOD STREET</u> <u>ALTRINCHAM</u> <u>CHESHIRE</u>			
Post town	<u>ALTRINCHAM</u>	Post code	<u>WA14 1RZ</u>
Telephone number at premises (if any)	<u>1</u>		
Non-domestic rateable value of premises	<u>£190 (190)</u>		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual * please complete section (B)
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)

- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname DALE			First names MARK STEPHEN		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		42 OAKFIELD STREET ALTRINCHAM CHESHIRE			
Post Town	ALTRINCHAM		Postcode	WA15 8HT	
Daytime contact telephone number		07817946701			
E-mail address (optional)		MARKDALE1988@HOTMAIL.CO.UK			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Please give a general description of the premises (please read guidance note1)
 GROUND FLOOR PREMISES OF APPROX 900 sq/ft.
 MAIN ENTRANCE ON GREENWOOD STREET. FIRE ESCAPE
 TO REAR ONTO CARPARK.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	20:00	00:00	Please give further details here (please read guidance note 3) THE PLAYING OF LIVE AMPLIFIED MUSIC		
Tue	20:00	00:00			
Wed	20:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4) FROM THE END OF LICENCABLE HOURS ON NEW YEARS EVE TO THE START OF LICENCABLE HOURS ON NEW YEARS DAY		
Thur	20:00	02:00			
Fri	20:00	02:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) FOR ALL PUBLIC AND BANK HOLIDAYS, ONE ADDITIONAL HOUR.		
Sat	20:00	02:00			
Sun	20:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	00:00	Please give further details here (please read guidance note 3) AMPLIFIED RECORDED MUSIC	Both	<input type="checkbox"/>
Tue	12:00	00:00			
Wed	12:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4) FROM THE END OF LICENSABLE HOURS ON NEW YEARS EVE, TO THE START OF LICENSABLE HOURS ON NEW YEAR DAY		
Thur	12:00	02:00			
Fri	12:00	02:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) FOR ALL PUBLIC AND BANK HOLIDAYS, ONE ADDITIONAL HOUR.		
Sat	12:00	02:00			
Sun	12:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u> Comedy nights		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	20:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	20:00	00:00	<u>Please give further details here</u> (please read guidance note 3) LIVE COMEDY BY SET PERFORMANCE AMPLIFIED THROUGH A SPEAKER SYSTEM.		
Wed	20:00	00:00			
Thur	20:00	00:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) FROM THE END OF LICENSABLE HOURS ON NEW YEARS EVE, TO THE START OF LICENSABLE HOURS ON NEW YEARS DAY		
Fri	20:00	02:00			
Sat	20:00	02:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) FOR ALL PUBLIC AND BANK HOLIDAYS, ONE ADDITIONAL HOUR.		
Sun	20:00	00:00			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 3) THE SALE OF ALCOHOL TO BE SOLD ON THE PREMISES, ALSO THE SALE OF SEALED, UN-OPEN -ED ALCOHOL TO BE BOUGHT ON PREMISES THEN TAKEN OFF PREMISES.		
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) FROM THE END OF LICENSABLE HOURS ON NEW YEARS EVE, TO THE START OF LICENSABLE HOURS ON NEW YEARS DAY		
Thur	23:00	02:00			
Fri	23:00	02:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) FOR ALL BD PUBLIC AND BANK HOLIDAYS, ONE ADDITIONAL HOUR.		
Sat	23:00	02:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) FROM THE END OF LICENSABLE HOURS ON NEW YEARS EVE TO THE START OF LICENSABLE HOURS ON NEW YEARS DAY.		
Mon	12:00	00:00			
Tue	12:00	00:00			
Wed	12:00	00:00			
Thur	12:00	02:00			
Fri	12:00	02:00			
Sat	12:00	02:00			
Sun	12:00	00:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) FOR ALL PUBLIC AND BANK HOLIDAYS, ONE ADDITIONAL HOUR.		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name		MARK STEPHEN DALE	
Address			
42 OAKFIELD STREET ALTRINCHAM CHESHIRE			
Postcode	WA15 8HH		
Personal Licence number (if known)	T.B.C.		
Issuing licensing authority (if known)	TRAFFORD COUNCIL.		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p>State any seasonal variations (please read guidance note 4)</p> <p>FROM THE END OF LICENSABLE HOURS ON NEW YEARS EVE TO THE START OF LICENSABLE HOURS ON NEW YEARS DAY</p>
Day	Start	Finish	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>FOR ALL PUBLIC AND BANK HOLIDAYS, ONE ADDITIONAL HOUR.</p>
Mon	12:00	00:00	
Tue	12:00	00:00	
Wed	12:00	00:00	
Thur	12:00	02:00	
Fri	12:00	02:00	
Sat	12:00	02:00	
Sun	12:00	00:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

THE PREMISES WILL BE OPERATED IN A PROFESSIONAL MANNER, ABIDING BY THE RULES AND REGULATIONS OF TRAFFORD, LA2003 AND OUR OWN STRICT OPERATING PROCEDURE,

b) The prevention of crime and disorder

CCTV AND SECURITY STAFF WILL DISCOURAGE CRIMINAL BEHAVIOUR AND DISORDERLY CONDUCT

c) Public safety

BAR STAFF AND SECURITY STAFF WILL ENSURE TO THE BEST OF THEIR MEANS THE SAFETY OF THE CLIENTELE AND GENERAL PUBLIC IN THE VICINITY

d) The prevention of public nuisance

PEOPLE WILL BE ASKED TO LEAVE QUIETLY AND TO RESPECT THE NEIGHBOURS

e) The protection of children from harm

NO CHILDREN SHALL BE ALLOWED ON THE PREMISES UNLESS ACCOMPANIED BY AN ADULT. ~~NO CHILDREN SHALL BE SERVED ALCOHOL UNLESS THE LAW STIPULATES IT IS OF AN AGE AND CIRCUMSTANCES PERMIT, I.E. WITH AN ADULT AN EATING FOOD ON THE PREMISES.~~

NO CHILDREN SHALL BE ALLOWED ON THE PREMISES AFTER 21:00, ALSO A CHALLENGE 21₁₆ WILL BE USED WHEN SERVING ALCOHOL. PHOTO ID WILL BE REQUIRED TO PROVE AGE.

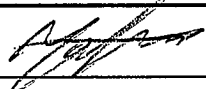
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	12/2/2014
Capacity	SO OWNER APPLICANT / LICENCE HOLDER

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

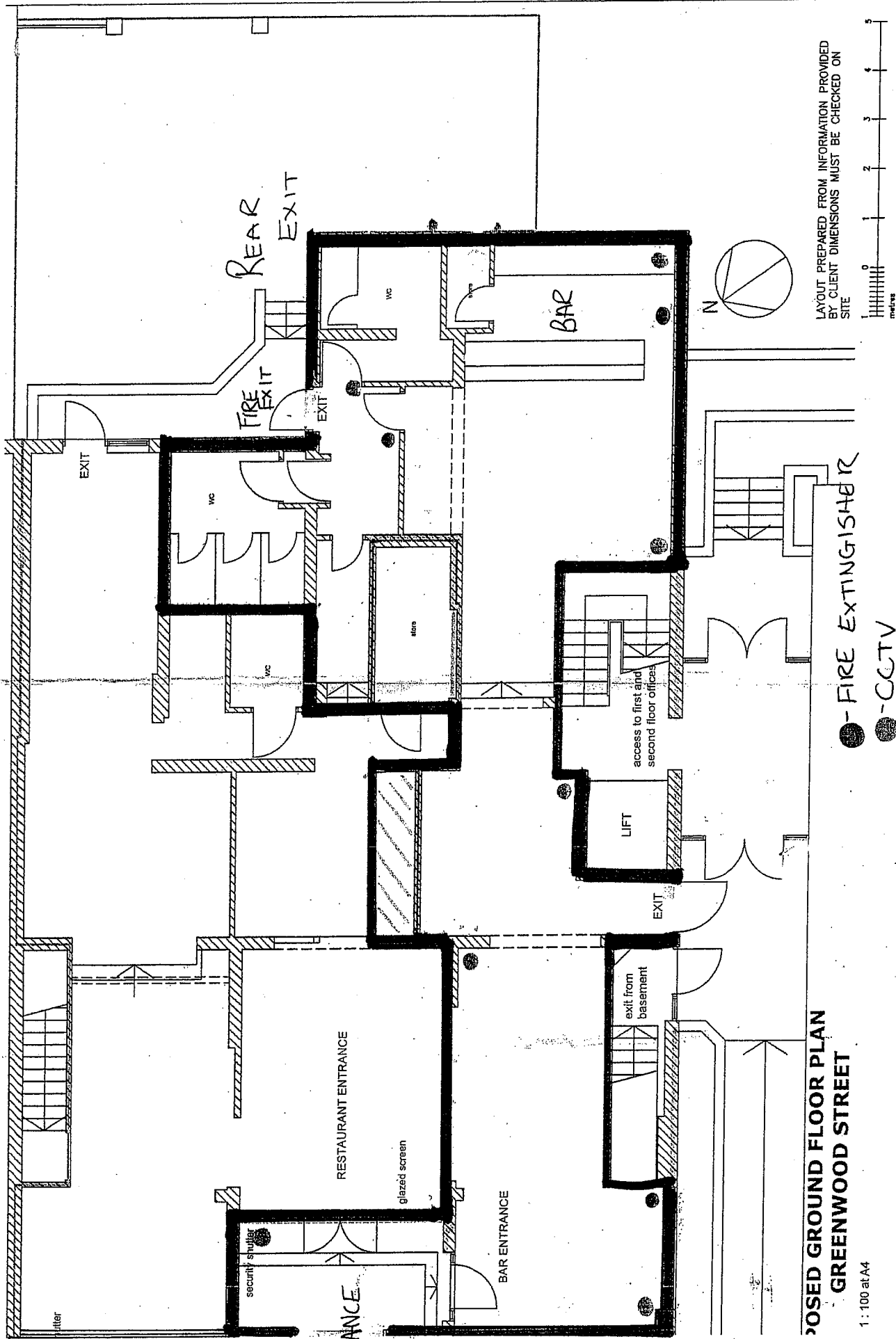
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

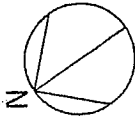
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



LAYOUT PREPARED FROM INFORMATION PROVIDED BY CLIENT DIMENSIONS MUST BE CHECKED ON SITE



PROPOSED GROUND FLOOR PLAN
GREENWOOD STREET

1:100 at A4

- - FIRE EXTINGUISHER
- - CCTV

REV A: revised entrance

MAIN ENTRANCE

GREENWOOD STREET

RESTAURANT ENTRANCE

BAR ENTRANCE

BAR

REAR EXIT

FIRE EXIT

WC

WC

store

LIFT

access to first and second floor offices

EXIT

exit from basement

EXIT

filter

security shutter

glazed screen

[REDACTED]
Greenwood St
Altrincham
Cheshire
WA14 1RZ

12th Feb 2014

Ref: Mark Stephen Dale, 28 Greenwood St, Altrincham, LA2003DOC23

Dear Sirs,

I am writing to register my objection to the application for a premises licence by Mark Stephen Dale for 28 Greenwood St, Altrincham WA14 1RZ. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, in particular the prevention of public nuisance.

28 Greenwood St lies within a residential area and while Greenwood St itself serves as a mixed use, there still are residents on the street, and the council itself is promoting a scheme for individuals to live above their shops to ease pressure on housing, along with the proposed plans for the conversion of the hospital the street could see a significant number of residents in close proximity to the venue applying for the licence. As such granting a licence to 2am for Music, Live Performers and playing of recorded sound would be unacceptable.

I understand the Council would wish to promote the regeneration of Altrincham and Greenwood St, and I am not objecting to the opening of a premises in 28 Greenwood St that serves alcohol but specifically to the late night music and noise. We have a young child and I am greatly concerned on the impact of noise nuisance and antisocial behaviour late at night.

This is also based on past experience with businesses in that premises that had late music licences and the noise nuisance was incredibly inconvenient. Part of this is due to the nature of the building, it is not sound proofed in any way, with single glazed windows on all sides, the entrance to the premises also allows the sound to escape and previously the doors and windows were left open in the warmer months as the premises do not have air conditioning.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

[REDACTED]

~~Greenwood Street~~
Greenwood Street
Altrincham
Cheshire
WA14 1RZ

12th February 2014

Appendix B2

The Licensing Section
Trafford Council
Trafford Town Hall
Talbot Road
Stretford
Manchester
M32 0TH

Dear Sirs

RE: LICENSING APPLICATION LA0063/14
28 Greenwood Street, Altrincham

I am writing with regard to the above license application submitted by Mark Stephen Dale for 28 Greenwood Street.

While I am happy to see another unit on Greenwood Street open for business, it is the late night licence that I am concerned about. The proposed application for live and recorded music and dance, alcohol and refreshments until 2am from Thursday to Saturday causes us, as residents of Greenwood Street, great concern.

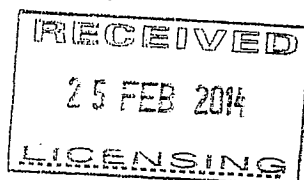
We have lived on Greenwood Street for a number of years and recall our previous experiences when late licenses for 28 Greenwood Street were granted. The noise levels on the street were unbearable, there was an increase in anti social behaviour, and bottles, smashed glass and general debris were left on the street. The situation was exacerbated in the summer months when the doors and windows were left wide open and people were drinking on the streets.

I understand that Greenwood Street is a street of mixed use – we live above our shop so have both a business and residential interest in the street. My understanding is, however, that the hospital is going to be redeveloped as a mixed use site, with equal weighting to business and residential use. This would mean even more residents in close proximity to the proposed licensed venue.

I would like to make it clear that I am not objecting to the opening of licensed premises on Greenwood Street but specifically to the late license application from Thursday to Saturday until 2.00am. We have two children of school age and are concerned about the impact of increased noise and anti social behaviour late at night.

I thank you in advance for taking our views into consideration.

Yours sincerely



Greenwood Street
Altrincham
Cheshire
WA14 1RZ
22.02.14

RE: Licensing Application LA0063/14
28 Greenwood Street – NEW Premises Licence

Dear Sir,

Please find within objections to the following licensing application:

NEW Premises Licence

Sale of alcohol (on & off):

Sun to Wed : 12.00 to 00.00

Thur to Sat : 12.00 to 02.00

Late night refreshment (indoors):

Sun to Wed : 23.00 to 00.00

Thur to Sat : 23.00 to 02.00

Regulated entertainment (indoors): Live and recorded music and dance:

Sun to Wed : 12.00 to 00.00

Thur to Sat : 12.00 to 02.00

As a resident on Greenwood Street I strongly object to the granting of the above licence. My home is next door to the proposed club premises, and shares an adjoining wall, therefore it is a noise sensitive premises. I have lived on Greenwood Street for 8 years and feel that the licence regulations above would severely impact upon my existence at this address and further to this, would impact upon the value of my property. The basis of my objections will follow the following key objectives when granting a premises licence.

- Prevention of crime & disorder
- Public safety
- Prevention of public nuisance

Firstly, Prevention of Crime and Disorder. I am aware that there are already licensed premises on Greenwood Street, and these themselves have caused infrequent problems for residents. Chiefly, I have had cause to call the police on 2 occasions in the last few months. In both cases it was in relation to damage to my own property due to drunken behaviour of customers upon leaving the licensed premises. The problems included smashed windows and threatening behaviour. This is not an everyday occurrence, but should a further late night venue be opened then these occurrences would increase and impact the wellbeing of all residents on this street. A police presence has also

been called due to disorderly drunken behaviour on this street when fights have broken out between customers.

My concerns with this venue are the late hours at which inebriated customers will be leaving the premises. A similar type of venue has existed on this street before (approximately 9 yrs ago) and there were repeated incidences of fights, broken glass/bottles, damage to property, an increased police presence, public urination, and general disorder. This is a quiet street next to a recently refurbished market place, and it is not suited or prepared for the above problems that will be incurred by opening a late night dance/club premises.

Public Safety:

As stated above, my own residence is next door to the premises. As a female living alone it is a concern for personal safety to have a licensed nightclub next door. The entrance to my home is in the walkway between Central Way and Greenwood Street and will attract smokers and late night drinkers from the premises. I will feel intimidated and unsafe to leave my property at night under these circumstances.

Any damage to property, broken glasses/bottles and the increased arrival of taxis/cars arriving at this venue late at night are all a concern for public safety on a residential street which also houses several small children and babies. A late night club premises with live/recorded music and dancing will impact on them. The potential presence of doormen on a residential street is intimidating. Damage caused by customers to the premises is a concern as is the obvious impact of noise on every day life, particularly at night.

Public Nuisance:

Although public nuisance is a broad concept there are many aspects of this licensing application that fall under this category. Chiefly this is my concern about noise from a venue with a licence to play live/recorded music until midnight each night, and until 2am on 3 nights of the week. There are concerns about the music itself, and also the vibration of it through the building. As the neighbour to this venue I ask you to strongly consider the impact this will have upon my ability to live in my home. The noise from this venue will be through a shared wall and will severely impact upon my ability to sleep at night and to live in a house in general with loud live/recorded music constantly playing next door. The building isn't double glazed, sound proofed, and doesn't have a double entrance with double glazing to prevent the noise being audible every time the door is opened. The nature of the street is that sound reverberates off the building opposite and amplifies. The noise pollution from a venue of this type will be immense.

A 2am closure will result in customers leaving the premises, inebriated, into the street onto which most residents' windows overlook. The noise of this will be in addition to the music/live music of the club itself. There are already problems with taxis and cars on this street at midnight/1am that regularly beep horns or shout out, causing a public nuisance. Added to this large numbers of

customers noisily exiting onto the street in the early hours of the morning and the problem is compounded.

Smokers will leave the premises at regular intervals, and probably commune down the short alleyway on which is the entrance to my home. It is unlit, there is no CCTV, and personally I would feel I could not safely leave my property. It will attract litter, cigarette butts, glass, probably vomit from any drunken customers and be a typical place for public urination, which is particularly unfortunate as this area has recently received council funding to be repaved and refurbished for Altrincham market which has only been recently completed. Customers in general will enter and leave the premises which is directly below the homes of several residents, which will become very noisy at night.

The activity of a business does not have the right to affect the activity of others, namely the residents of this street. The frequency of this occurring each day/night, until late into the night will be very difficult to live with. The proximity of this premises to most residences is problematic, but it is particularly concerning to be the next door neighbour.

Other objections I have to this license are more general. I am concerned that the person who will be opening this venue had a similar premises in Goose Green, Altrincham which he has now left. This venue had a bad reputation and a strong drug presence, to which the police had to attend on several occasions. It concerns me greatly that this could occur on Greenwood Street, again being pertinent to my concerns above about the safety of children/ families on this street, and the prevention of crime and disorder.

Altrincham marketplace has been the focus of recent and future investment. The other businesses on this street are specialised Belgian bars which cause little or no trouble, and some businesses that operate only during the day. It is a reasonably quiet, pleasant, destination street and this venue is not in keeping with the environment that the Council is trying to create. The juxtaposition of refurbishing a market town and then opening a late night club premises next to it makes little sense. The building that neighbours the venue on the opposite side to myself is being converted to residences, which again will be difficult to fill with this bar/club being opened next door. The new Altrincham hospital is currently being built and so will lead to the closure of the old A&E unit on Greenwood Street. Previous plans for this site have been for residential properties, which again will not benefit from having a late night club on the opposite side of the street. The market is planned to have seating areas added as part of the new image, which will not be secured, and I believe that the increased anti-social behaviour will be to the detriment of these features.

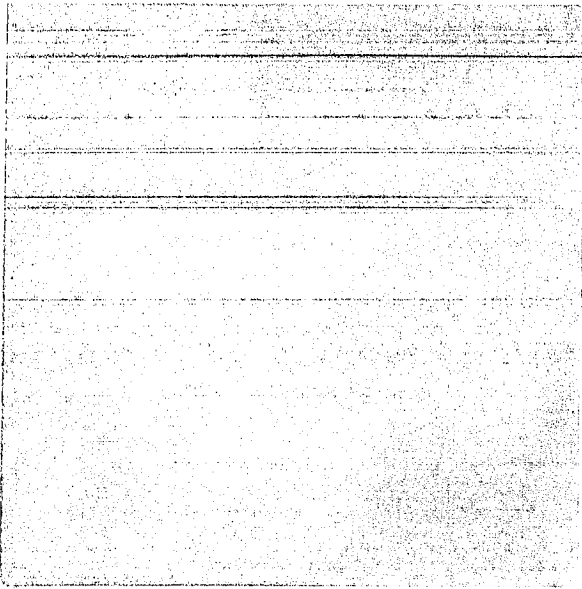
The new proprietor of the bar/club is not the name of the person on the licensing application. Although not illegal, it does raise the question of why it would not be pursued under his own name. This concerns me in the same way as the poor reputation of his previous licensed premises.

Although these objections are extensive, they are valid and pertinent to the wellbeing of both myself and other residents on this street. As a homeowner I am concerned about both my own quality of life if living next to a late night licensed club/bar, and also about the financial impact of the

devaluation of my property and any incurred costs of damage to this property. A partly residential street, including young families, is an inappropriate area for a late night live/recorded music venue.

Please can you confirm receipt of this objection, and I look forward to hearing from you on this matter.

Yours Sincerely



Bate, Stephen

Appendix B4

From: Taylor1, Janet
Sent: 14 March 2014 08:37
To: Bate, Stephen
Subject: FW: Mark Dale and Morris Hart 28 Greenwood St Altrincham

-----Original Message-----

From:
Sent: 13 March 2014 19:39
To: Taylor1, Janet
Subject: Mark Dale and Morris Hart 28 Greenwood St Altrincham

To whom it may concern.

I have known Mark and Morris for six years and my colleagues and I have regularly visited their establishments. We have always found their premises to be clean, tidy, well run and above all a safe environment to drink in.

Altrincham is lacking somewhere safe to relax and unwind without fear of being intimidated or hassled; this is not something that would happen at Mark and Morris's bar. Myself, friends and colleagues are very much looking forward to the opening of their new bar.

If you wish to know any further information about my knowledge of Mark, Morris or their previous establishment please feel free to contact me.

Regards

Sales Manager
The Mortgage Matters Partnership

Bate, Stephen

From: Taylor1, Janet
Sent: 14 March 2014 08:39
To: Bate, Stephen
Subject: FW: [Caution! Possible Spam] M Hart and M Dale bar in Altrincham

Importance: Low

Positive rep

-----Original Message-----

From:
Sent: 14 March 2014 20:38
To: Taylor1, Janet
Subject: [Caution! Possible Spam] M Hart and M Dale bar in Altrincham
Importance: Low

Dear Janet,

I am writing to recommend the approval and go ahead of the proposed establishment by Morris and Mark.

I believe they offer Altrincham a vibrant and safe bar which compliments the council's aims of regeneration of the town centre, particularly around the old market area. I for one, currently do not frequent this part of town but can safely say I would do to visit the new bar. The added attraction would inevitably lead to other bars and restaurants in the vicinity becoming more popular and successful. Clients to the bar can expect a friendly atmosphere which compliments Morris and Mark's welcoming and friendly nature.

They also offer opportunities in the community with the sponsorship of my local cricket and hockey club, Timperley. Not only would they offer financial support but in the past they have helped us to plan our own in-house fundraising events. Their employment of local people would also be of great benefit to the local economy.

I hope you find my recommendation useful and the bar can be opened soon. Should you have any questions, please do not hesitate to ask.

Kind regards,

Bate, Stephen

From: Taylor1, Janet
Sent: 14 March 2014 08:39
To: Bate, Stephen
Subject: FW: 28 Greenwood St licence

Positive Rep

-----Original Message-----

From:
Sent: 13 March 2014 21:07
To: Taylor1, Janet
Subject: 28 Greenwood St licence

Dear Ms Taylor,

I write to you with reference to the premises licence proposal for 28 Greenwood Street Altrincham.

I'm disappointed to hear having spoken to Morris and Mark that there has been an objection to the licence especially as there is a bar directly underneath the property in question and previous licences have been granted in this unit.

I've known Mark and Morris for nearly 6 years now and have got to know Morris increasingly more over the years on two counts...

Firstly, I'm the regional manager for Stephensons, I supply most bars, coffee shops, Hotels and restaurants all around Cheshire and the Green Room and Morris were a splendid customer of mine.

Secondly I'm the vice chairman of Timperley Hockey club and Morris/the Green Room sponsored our 1st team until disappointingly he left the Green Room.

I was surprised and disappointed when he left as he seemed to know everyone and seemed to galvanise a real atmosphere and everyone at the hockey club used to magnate there over the weekend - it was a real hub where everyone met and had a good time as there was never any trouble that can often be found in Altrincham and everyone went there because it was a safe relaxing atmosphere.

From my experience both socially and professionally I've known Morris to run a well organised, well priced and clean operation (I've plenty of experience of many that don't) and really look forward and hope that Mark and Morris get the opportunity to put their stamp on 28 Greenwood Street as I'm positive they'll make fantastic addition to the social life of Altrincham as has done before.

Many thanks

Kind regards,

Territory Manager
HG Stephensons Ltd

www.stephensons.com

Bate, Stephen

From: Taylor1, Janet
Sent: 14 March 2014 08:39
To: Bate, Stephen
Subject: FW: Support for a license application

Positive rep

From:
Sent: 13 March 2014 21:20
To: Taylor1, Janet
Subject: Support for a license application

Dear Sirs,

I am writing in support of the License Application for 28 Greenwood Street, Altrincham, by Mark Dale and Morris Hart.

I regularly went to establishments they have run in the past, and never had any cause for concern. They were run safely and the premises kept clean and tidy.

Altrincham desperately needs decent bars to encourage people back to the town.

Yours sincerely

Bate, Stephen

From: Taylor1, Janet
Sent: 14 March 2014 08:39
To: Bate, Stephen
Subject: FW: License application 28 greenwood street

Positive rep

-----Original Message-----

From:
Sent: 13 March 2014 22:47
To: Taylor1, Janet
Subject: License application 28 greenwood street

To whom it may concern

I would like to offer my support for the application for a license at the above named premises. I was involved in the previous bar owned by Morris Hart and run by Mark Dale. The establishment was extremely well run, and a safe environment for our patrons to enjoy a good night out. The bar and outside area was kept clean and tidy. Door staff enabled us to keep the bar safe for our clientele. This can be all verified by the relevant local authorities.

I have worked on Greenwood Street for 7 years as a Dentist in the past and I am fully aware of our surrounding neighbours. This current application is not going to be the rowdy late night bar people are perceiving it to be. It will have a strict over 21 only policy, aiming to attract a more mature patron in keeping with the surrounding licensed premises. Morris and Mark have gone to great lengths to sound proof the bar, including the use of a sound engineer. It now has an inside and an outside front door which will block noise. The decor has been designed to give the bar a relaxed feel in keeping with the style of we intend to open.

Thank you for taking my views into consideration.

Regards

BDSMFGDP(UK)

Sent from my iPhone

Bate, Stephen

From: Taylor1, Janet
Sent: 14 March 2014 12:05
To: Bate, Stephen
Subject: FW: Mark Dale and Morris Hart

From:
Sent: 14 March 2014 11:57
To: Taylor1, Janet
Subject: RE: Mark Dale and Morris Hart

Dear Janet,

As manager of Beatnik Records, based at 38 Greenwood Street, can we state our support for Mark and Morris's application for a licensed premises at 28 Greenwood Street. We believe the bar would have a positive effect on businesses on the street.

Yours Sincerely,

EXTRACT : Secretary of States Guidance

The Licensing Objectives

PUBLIC NUISANCE

- 2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.²⁷
- 2.34 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.
- 2.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.
- 2.37 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to

public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

- 2.39 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.
- 2.40 The cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require premises serving customers from take-aways and fast food outlets from 11.00pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter. Such conditions may be necessary and appropriate in circumstances where customers late at night may have been consuming alcohol and be inclined to carelessness and anti-social behaviour.

***EXTRACT : Secretary of States Guidance
The Licensing Objectives***

CRIME & DISORDER

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated

premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

***EXTRACT : Secretary of States Guidance
The Licensing Objectives***

Public safety

2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.34- 8.42), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.11 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

2.12 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

2.13 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.14 It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.

2.15 Where an authorisation is required under the 2003 Act for a performance of dance (see paragraphs 15.10 and 15.15 below), section 177 of that Act provides that any licence condition which relates to a performance of dance has no effect if certain conditions are met. In particular, the suspension of licence conditions can only occur if the permitted capacity of premises is not more than 200 persons. The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I. 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1955 Regulations.

2.17 Public safety includes the safety of performers appearing at any premises.

EXTRACT :

Trafford Council – Licensing Policy 2011-2014 – Licensing Objectives

7.0 LICENCE OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE

7.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation.

The Council recognises the need to prevent public nuisance to residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.

7.2 Public nuisance in this context includes such issues as noise and disturbance, light pollution, odour, vermin and pest infestations, accumulations of refuse and litter, and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

7.3 The Council, however, recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.

7.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance.

7.5 In considering applications, the Council will expect to see evidence that the applicant has identified matters that impact on the likelihood of public nuisance and that these matters have been addressed in the operating schedule. Such measures may include:

- Measures taken or proposed to be taken to prevent noise and vibration escaping from the premises or the immediate vicinity of the premises and including any outside areas (including smoking areas) bearing in mind the location of premises and proximity to residential and other noise sensitive premises (e.g. hospitals, hospices and places of worship); This would include music, ventilation equipment noise and human voices, whether or not amplified;
- Measures taken or proposed for management and supervision of the premises and associated open areas to minimise unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
- Control of opening hours for all or part (e.g. garden areas) of the premises
- Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity
- Steps taken to lessen the impact of parking in the local vicinity
- Measures taken to prevent someone who has consumed excess alcohol from entering the premises and to manage individuals on the premises who have consumed excess alcohol
- Management arrangements for collection and disposal of litter and refuse, and the control of pests
- Arrangements for ensuring that adequate and suitably maintained sanitary provision and washing facilities are provided for the number of people expected to attend any premises or events
- A 'wind down time' after the last service of alcohol, during which time the venue may offer for sale non-alcohol beverages
- A 'last admission time' policy
- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics.

7.6 The extent to which the above matters need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable

activities to be provided, operational procedures and the needs of the local community. In general, however, the Council will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of public nuisance issues.

- 7.7 The Council will have regard to representations from the responsible authorities to determine if measures proposed are sufficient to reduce the risk of public nuisance. Where representations indicate that any matter has not been addressed sufficiently to prevent public nuisance the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation.
- 7.8 Where appropriate the applicant will be expected to propose practical steps to prevent disturbance to local residents and to have regard to the "Good Practice Guide on the Control of Noise from Pubs and Clubs" produced by the Institute of Acoustics. Where noise has been identified as a potential problem by the applicant or Council officers, then the Council would expect the applicant to detail the measures proposed to address this issue within the operating schedule. Noise could relate not only to music but also from air handling equipment or from patrons. There are a number of practical ways in which sound leakage can be addressed, such as:
- Keeping doors and windows closed and providing adequate mechanical ventilation or, if necessary, air conditioning
 - Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level
 - Installing soundproofing measures to contain sound and vibration.
- 7.9 In premises where patrons leave the premises particularly late at night or early in the morning, the Council will expect the applicant to have included in the operating schedule practical steps for reducing noise disturbance, such as:
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, and to respect the rights of nearby residents
 - At appropriate times making loudspeaker announcements to the same effect
 - Instructing door staff to ask customers leaving the premises to leave the area quietly
 - Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down
 - Banning from the premises people who regularly leave in a noisy manner
 - The supervision of any queues formed late in the evening so as to keep noise and disturbance to a minimum.
- 7.10 Where relevant representations have been received, conditions may be imposed which include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises.
- 7.11 In considering an application, the Council will take into account previous noise and nuisance complaints, and the ability/willingness of the licensee to deal with such complaints.

APPENDIX D2

EXTRACT :

Trafford Council – Licensing Policy 2011-2014 – Licensing Objectives

6.0 LICENCE OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER

6.1 Trafford Council is committed to further reducing crime and disorder within Trafford and helping people feel safe.

6.2 The Council will have particular regard to the likely impact of licensing on related crime and disorder in the Borough particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.

6.3 When addressing the issue of crime and disorder, an applicant must demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:-

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour.

6.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Such measures may include:

- The capability of the person who is in charge of the premises during trading hours or when Regulated Entertainment is provided to effectively and responsibly manage and supervise the premises, including associated open areas
- The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder, and where appropriate any relevant qualifications.
- The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises
- The features currently in place or planned for physical security at the premises, such as lighting outside the premises
- Policies adopted to meet appropriate best practice in accordance with existing guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice, eg. British Beer and Pub Association Partnerships Initiative.
- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.

6.5 In addition, in those circumstances where the applicant has agreed measures

to co-ordinate closing times or to prevent migration between premises with different closing times, it would be appropriate to detail such arrangements in the operating schedule.

6.6 The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities. In general, however, the Council will expect more comprehensive measures to be in place at late night venues (i.e. premises which remain open to the public after 12.00pm) or in premises with a history of crime and disorder issues.

6.7 Where additional measures have been identified as likely to have an impact on the prevention of crime and disorder at any premises, the Council would expect applicants to detail such measures to be taken in their operating schedules. Such measures may include:

- provision of effective CCTV with recording facilities both within and outside certain premises
- crime prevention design, including adequate lighting and supervision of car parks
- metal detection and search facilities
- procedures for risk assessing promotions and events such as 'happy hours' for the potential to cause crime and disorder, and plans for minimising such risks
- measures to prevent the use or supply of illegal drugs
- employment of Security Industry Authority licensed door supervisors and other appropriately trained staff
- participation in an appropriate Pubwatch Scheme or other similar scheme
- promotion of safe drinking
- the control of glass and the provision of plastic containers or toughened glass
- use of radio net system (where available)
- provisions for dealing with prostitution or indecency
- provisions for discouraging drinking in public places in the vicinity of the premises
- policies on dress and music
- appropriate additional staff training.

6.8 All premises applying for licensing beyond 12.00pm must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.

6.9 The Council will have regard to representations from the Police in deciding whether the above issues have been adequately addressed. Where Police representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on crime and disorder, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

6.10 Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.

6.11 In respect of premises predominantly supplying take-away food, between the hours of 11.00pm and 5.00am the Council would need to be satisfied that the supply of alcohol will not lead to an increase in crime and disorder or public nuisance in the vicinity of the premises.

6.12 The Council will expect licensees of venues likely to be affected by drugs to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse. In certain types of premises it may be appropriate and relevant for the operating schedule to include measures such as access for customers to drug testing kits, particularly for the prevention of drug assisted sexual assault, chillout rooms and free water.

6.13 The Council will not use the Licensing Policy to control prices or hinder free and fair competition in licensed trade. However, the Council will not support drinks' promotions that encourage the irresponsible consumption of alcohol, and where there is demonstrable evidence that certain types of promotion (such as "buy one get one free", "drink as much as you can for a fiver" or time limited price promotions) encourage significant alcohol intake within short periods of time ('binge drinking'), and the Council may consider, where relevant representations have been made, imposing special conditions. If such promotions are permitted they should be held in accordance with the new mandatory condition which prohibits irresponsible promotions – see para. 11.13 Mandatory Conditions.

6.14 Within the operating schedule for premises from which alcohol will be sold, the applicant must identify the Designated Premises Supervisor. The Council will normally expect the Designated Premises Supervisor to have been given the day to day responsibility for running the premises by the holder of the premises licence and, as such, would normally expect them to be present on the premises on a frequent and regular basis.

6.15 Glass is a major factor in disturbances around licensed premises. At certain types of premises if measures were introduced in relation to glass control within the premises, at disposal points and to prevent the unauthorised removal of glass from premises, these may assist in promoting the licensing objective of preventing crime and disorder. In such cases it may be appropriate for applicants to address these issues through their operating schedule.

6.16 Whenever any persons are employed at licensed premises to carry out a security activity, it will be a condition of licence that all such persons must be licensed with the Security Industry Authority. The applicant may consider that certain premises require strict supervision for the purpose of promoting the licensing objectives. In such cases, it may be appropriate for the applicant to provide details of the security arrangements to be employed at the premises. This may then form the basis of an appropriate condition on the licence. The absence of such measures in the operating schedule may give rise to a relevant representation.

6.17 The Council will work closely with the Police to review the licences of premises where a Police Closure Notice has been served.

6.18 The Council will consider representations from the Police to exercise its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder Objectives.

6.19 Local crime prevention strategies will, wherever appropriate and as far as is possible, be supported and reflected in conditions attached to premises licences and club premises certificates.

Old Trafford

6.20 It is accepted that the area around the Old Trafford football ground, (home to Manchester United Football Club), during match days suffers from crime and disorder problems.

6.21 During the football season there are significant numbers of arrests during football operations around Old Trafford. The Police's experience is that a high percentage of those arrested or ejected have consumed alcohol in or near to the ground. Police intelligence also strongly indicates the use of licensed premises around the ground by groups involved in organised football disorder.

6.22 In recent years the Police along with Manchester United and the Premier League have worked in partnership to schedule potentially difficult matches earlier in the day. The underlying reason for this policy has been the drive to reduce the scale of alcohol consumption prior to kick off. This policy has been viewed as a success, as the levels of disorder associated with high risk matches have decreased over the last five years.

6.23 Given the high profile nature of matches at Old Trafford and the links between crime and disorder and alcohol consumption the Council believe that the licensing policy should reflect the unique circumstances present in the area. Therefore, the Council would expect applicants in the Old Trafford area to identify issues that may give rise to crime and disorder problems on match days and when major events are held at Old Trafford, and where appropriate and relevant to include measures to deal with such issues in their operating schedule.

APPENDIX D3

EXTRACT :

Trafford Council – Licensing Policy 2011-2014 – Licensing Objectives

8.0 LICENCE OBJECTIVE – PUBLIC SAFETY

8.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with respect to public safety. Where an applicant identifies an issue in regard to public safety (including fire safety) which is not adequately covered by existing legislation, the applicant should identify the steps which will be taken to ensure public safety.

8.2 The Council is committed to ensuring public safety across the borough by working in close partnership, in particular, with Greater Manchester Police and Greater Manchester Fire and Rescue Service, as well as with licensees.

8.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety at the premises.

8.4 When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, the following options should be considered as measures that, if necessary, would promote public safety:

- The condition, design and layout of the premises, including the means of escape in case of fire
- Arrangements to ensure the safety of customers and staff in the event of fire or other emergency
- The nature of the activities to be provided, in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature
- The number of people that can safely be accommodated at the premises; having regard, in particular to floor area and means of escape
- The customer profile (e.g. age, disability etc.)
- The necessary health and safety and fire risk assessments at premises and events, and other measures to reduce risk to public safety
- The measures to be employed to monitor the occupancy of the premises so that maximum capacities (where identified) are not exceeded
- The necessary risk assessments to cover the erection and design of any temporary structures
- Risk assessments and safety procedures in the event that the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc is proposed
- The number of people employed or engaged to secure the safety of everyone attending the premises or event

- Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
- Noise exposure, both in terms of staff safety and protection of hearing for the public and staff at the premises, in accordance with current legislation
- Arrangements to ensure that litter, generated by the activity of premises, does not create a fire hazard
- Implementation of appropriate crowd management measures
- The adequacy of transportation arrangements to ensure customers are able to travel safely to and from the premises and alerting people to the dangers of drinking and driving)
- Any arrangements or advertising of taxis and private hire vehicles to relate only to such vehicles properly licensed by the Council.

8.5 The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

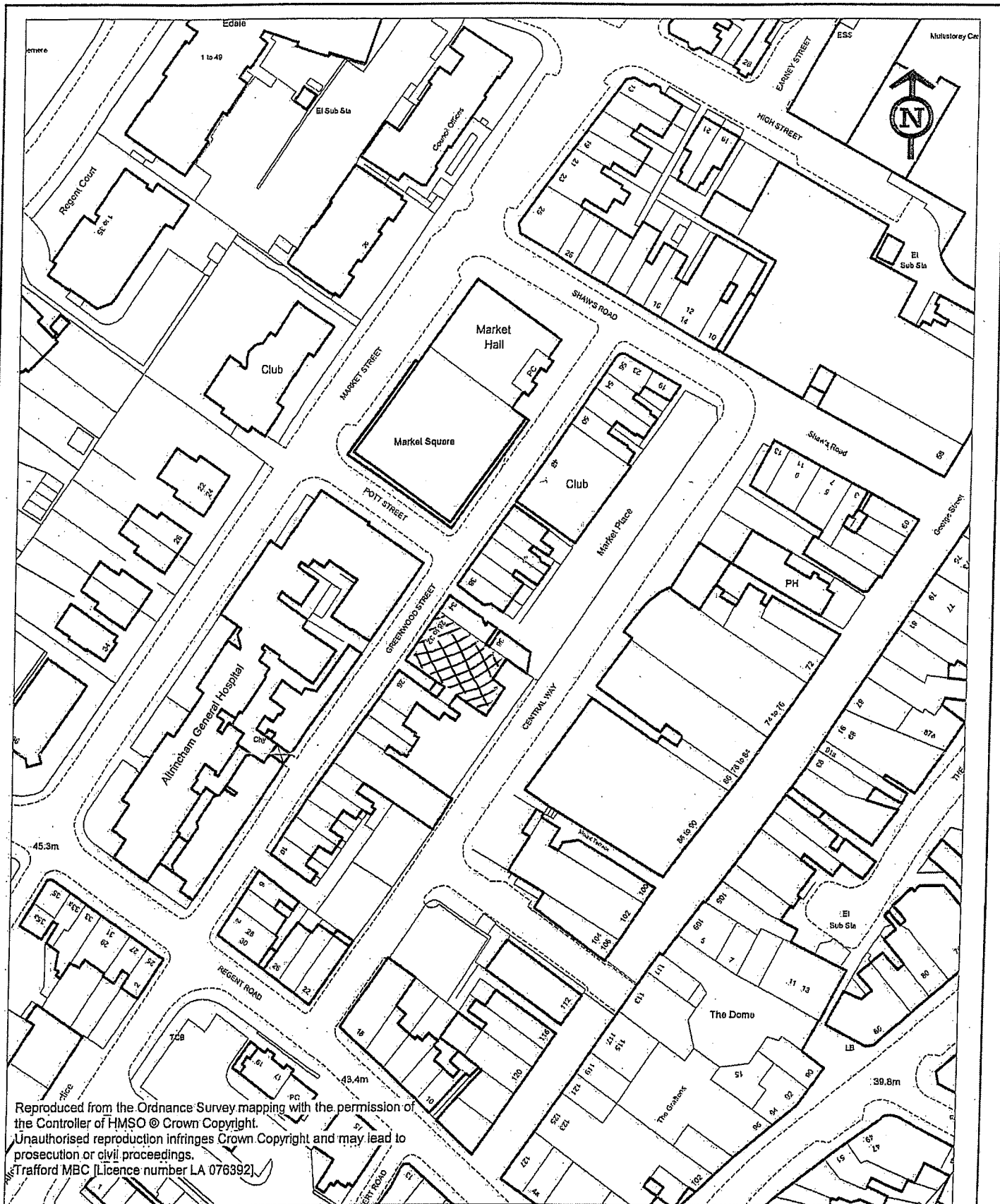
8.6 The Council will have regard to representations from the responsible authorities to determine if measures proposed are sufficient to ensure the safety of the public. Where representations are made by one of the responsible authorities indicating that any matter has not been addressed sufficiently to ensure public safety, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

8.7 Prior to the determination of a licensing application, and subsequently, an applicant must comply with statutory requirement/regulations to provide the following:

- (a) Electrical Inspection Report Certificate
- (b) Fire Alarm Test Inspection Report
- (c) Emergency Lighting Inspection and Test Report
- (d) Fire-fighting Equipment
- (e) Flame Retardant Properties of Materials Certificate (new premises or new upholstery)
- (f) Gas Safety Certificate
- (g) Ceiling Certificate, in the case of cinemas.

8.8 Where applicants consider the use of licensed door supervisors to control access and egress to and from premises, this should be detailed in the operating schedule and where appropriate the Council will consider the attachment of a suitable condition. The absence of such measures in the operating schedule may give rise to a relevant representation.

8.9 The Council will work in close partnership with the Greater Manchester Fire Service to assist in determining an appropriate maximum capacity, where required, at individual venues.



TRAFFORD COUNCIL

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WA14 1RZ

Scale 1/1250

Date March 14

File No.

Drawn KI

Area (or thereabouts):

