

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 11th April 2024
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION TO VARY A PREMISES LICENCE UNDER S34 LICENSING ACT 2003 AT THE VINE, 133 WASHWAY ROAD, SALE, M33 7UD

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a variation of an existing premises licence in respect of The Vine, 133 Washway Road, Sale, M33 7UD 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 vary the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions.
- (ii) To vary the application, 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: Jade Pickup, Senior Licensing
Contact: Licensing@trafford.gov.uk

1.0 APPLICATION

1.1 A premises licence is required for 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, Gosschalks on behalf of The Vine, 133 Washway Road, Sale, M33 7UD.

1.2 The applicant submitted an application to extend the timings of the licensable activities. A copy of the current licence is attached as **Appendix A**:

Proposed timings:

Live Music - Indoors

Friday & Saturday: 10:00 – 01:00

Recorded Music - Indoors

Friday & Saturday: 10:00 – 01:00

Provision of performance of dance – Indoors

Friday & Saturday: 10:00 – 01:00

Late Night Refreshment - Indoors

Friday & Saturday: 23:00 – 01:00

Alcohol – On & Off

Friday & Saturday: 10:00 – 01:00

Opening Hours

Friday & Saturday: 10:00 – 01:30

1.3 During the consultation period the applicant has agreed to withdraw the Regulated entertainment aspect of the application, therefore, if granted the hours will be amended as follows:

Alcohol – On & Off

Friday & Saturday: 10:00 – 01:00

Opening Hours

Friday & Saturday: 10:00 – 01:30

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

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The premises was first granted a premises licence under the Licensing Act 2003 on 24th November 2005.

2.2 The Licensing Authority previously received 4 complaints in respect of noise, details attached as **Appendix D**.

3.0 OPERATING SCHEDULE

3.1 The operating schedule is typically completed by the applicant however on this occasion they have not proposed additional conditions.

3.2 The following conditions have been agreed in addition to the current licence conditions between the applicant and the Trading Standards officer:

1. A 'Challenge 25' policy shall be operated on the premises at all times. The policy must be understood by all employees. The policy will be documented, read and signed by all individuals working at the business to indicate that they understand it. The policy must require all staff to check the identification of all persons who appear to be less than 25 years of age.
2. Proof of age checks shall be made by examining either a passport, photographic driving licence or PASS approved proof of age card. These checks must be made for every sale of this nature regardless of previous checks.
3. Clearly visible notices shall be displayed at the entrance, at the point of sale and where the goods are displayed highlighting the operation of the 'Challenge 25' policy. The notices will display details of the operation of the 'Challenge 25' and valid identification policy.
4. Staff training must be provided at least once a year to existing staff, and to all new staff on arrival, on the law relating to underage sales of alcohol products.
5. Written/digital records of all training provided in respect to the law relating to underage sales of alcohol must be kept. Staff to sign and date records to confirm that the training has been received and understood. Record of staff training should be made available/accessible immediately to Authorised Officers of Trafford Council/GMP on request.
6. A refusal log is to be kept to record dates and times of all refusals to sell alcohol to underage persons. A copy of the Refusals Log will be made available immediately upon request of Authorised Officers of Trafford. A log should include a note of ID seen including serial numbers of passport/driving licence to be kept. A copy of this information will be made available immediately upon request to Authorised Officers of Trafford Council/GMP on request.

3.3 The following conditions have been agreed in addition to the current licence conditions between the applicant and the Environmental Health Officer:

7. All patrons must egress the premises via the doors exiting onto Washway Road at any time after 2300 hours, on any day, unless during an emergency

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 valid representations were received.
- 4.3 34 representations were received from members of the public including 1 councillor against the application, attached as **Appendix E**.
- 4.5 A copy of the report and the representations received has been sent to the applicant.
- 4.6 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.

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.

Appendices:

- A. Copy of Current Licence
- B. Application for a New Premises Licence
- C. Photograph of Blue Notice & Copy of Newspaper Advert
- D. History of complaints
- E. Representations against the application