

## TRAFFORD COUNCIL

**Report to:** Licensing Sub-Committee  
**Date:** 5<sup>th</sup> December 2024  
**Report for:** Decision: Determination of Application  
**Report of:** Head of Regulatory Services

### Report Title

**APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT LINGUINE RESTAURANT, 20 NORTHENDEN ROAD, SALE M33 3BR**

### Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Linguine Restaurant, 20 Northenden Road, Sale M33 3BR having regard to representations received and the requirement to promote the four licensing objectives.

### Recommendation(s)

The following options are open to the Licensing Sub-Committee;

- (i) To grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions.
- (ii) To grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
- (iii) To reject the application.

Contact person for access to background papers and further information:

Name: Ursula Smith - Licensing Officer.  
Contact: [Licensing@trafford.gov.uk](mailto:Licensing@trafford.gov.uk)

Appendices:

- A) Application for a New Premises Licence
- B) Photographs of Blue Notice & Copy of Newspaper Advert
- C) Review Committee Report for 17<sup>th</sup> September 2024
- D) Decision Notice from 17<sup>th</sup> September 2024
- E) Representations from Responsible Authorities

## **1.0 APPLICATION**

1.1 A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- The sale of alcohol
- The supply of alcohol (in respect of a club)
- Regulated entertainment
- The provision of late-night refreshment

This application was submitted by: H J Sale Ltd in respect of Linguine Restaurant, 20 Northenden Road, Sale M33 3BR.

1.1 The applicant has applied for the following hours:

### **Supply of Alcohol - ON the premises:**

Monday – Thursday: 16:00 – 22:00

Friday – Saturday: 16:00 – 22:30

Sunday: 12:30 – 21:00

### **Opening Hours:**

Monday – Thursday: 16:00 – 22:00

Friday – Saturday: 16:00 – 22:30

Sunday: 12:30 – 21:00

1.2 The application has been properly made and has been attached as **Appendix A**. A copy of the blue notice and newspaper advertisement has been attached as **Appendix B**

The applicant has described the premises as: 'The premises is used as a restaurant. It has 12 tables and a small bar, drawing of the layout will be attached to the application. The kitchen and staff room are located at the back of the premises.'

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

2.1 The premises was previously licenced as Valencia Spanish Restaurant on 24<sup>th</sup> November 2005. The licence was then transferred to Mr Nagmadin Zana on 24<sup>th</sup> July 2013, and the restaurant was renamed Linguine Italian Restaurant Ltd. Mr Zana remained the premises licence holder until 17<sup>th</sup> September 2024.

2.2 On 29<sup>th</sup> July 2024 the Licensing Authority received an application from the Home Office Immigration Enforcement team for a review of the premises licence PL000378 held by Mr Zana for the premises known as Linguine Italian Restaurant Ltd, 20 Northenden Road Sale M33 3BR.

2.3 On 17<sup>th</sup> September 2024, the review application was determined by the Licensing Sub-Committee. A copy of the report is attached as **Appendix C**.

2.4 The committee determined to revoke the premises licence with immediate effect. A copy of this decision notice is attached as **Appendix D**.

### 3.0 **OPERATING SCHEDULE-**

3.1 The operating schedule is completed by the applicant and contains additional measures to illustrate how they propose to promote the four licensing objectives as required by provision of the Licensing Act 2003. They are listed below and will be attached as conditions to any licence as may be granted:

1. Ensure that all times when the premises are open for any licensable activities, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the premises licence and for preventing crime and disorder.
2. The licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.
3. Any incidents of a criminal nature that may occur on the premises will be reported to the Police immediately. The Licensee will install CCTV coverage at the premises, and it is operated and maintained at the premises covering the entrance and exit doors.
4. Appropriate fire safety procedures are in place including fire extinguishers, Fire Blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see plan for details of locations).
5. All appliances are inspected annually.
6. All emergency exits shall be kept free from obstruction at all times.
7. All customers will be asked to leave quietly.
8. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
9. The Licensee and staff will ask any person who appears to be under the age of 25 for photographic ID such as proof of age cards, the Connexions card and Citizen card, photographic drivers licence or passport, and official identity card issued by HM Forces or by any EU country, bearing the photograph and date of birth of the bearer.
10. All staff will be trained in Underage Sales Prevention regularly.
11. A register of refused sales shall be kept and maintained on the premises.

**3.2** The below additional conditions have been proposed by Environmental Protection and agreed with the applicant during the consultation period, and will be attached as conditions to any licence as may be granted:

12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

13. There shall be no noise or odour caused by any kitchen extraction equipment that gives rise to a nuisance.

14. No deliveries or collections relating to licensable activities at the premises will take place between the hours of 8pm and 0700am on any day.

15. No waste/glass bottles will be moved or deposited outdoors, between the hours of 8pm and 7am.

#### **4.0 CONSULTATION**

**4.1** The responsible authorities included in the 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, representations have been received from Environmental Health, attached as **Appendix E1**, Greater Manchester Police, attached as **Appendix E2, and Licensing Enforcement, attached as Appendix E3.**

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

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

#### **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.