

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 19th 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 SO MARRAKECH 25 MARKET STREET, ALTRINCHAM WA14 1QS.

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of So Marrakech 25 Market Street, Altrincham WA14 1QS, 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

Appendices:

- A) Application for a new premises licence.
- B) Photographs of blue notice & copy of newspaper advert.
- C) Additional conditions requested by Environmental Protection and agreed with applicant.
- D) Representations.

1.0 APPLICATION

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

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

This application was submitted by: Miss Anissa Damoussi, 7 Buckingham Road, Heaton Chapel, Stockport SK4 4QU.

1.2 The applicant has applied for the following hours:

Alcohol – On

Monday to Sunday: 12.00 – 22.30

Opening Hours:

Monday to Sunday: 09.00 – 23.00

1.3 The application has been properly made and has been attached as **Appendix A**.

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The applicant has described the premises as: 'High Street Moroccan-themed Restaurant. Serving breakfasts and authentic cuisine. There is a basement level area which is currently underdeveloped. This is a plan for the future, it has been included in the plan for this application, it will not be in use in the immediate future as it will hopefully be used for small meetings/functions etc moving forward.'

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. The premises shall install and maintain a digital CCTV system covering all areas of the licensed premises, including all public entry and exit points.
2. The CCTV cameras will continually record whilst the premises are being used for licensable activities. These recordings shall be kept for a minimum of 31 days with a date and time stamping.

3. There will always be a staff member on duty who is able to produce an image when requested by the police or any other authorised officer. Should the images be stored on a portable medium, ie flash cards, hard drives etc these will be securely stored.
4. Staff will be trained to operate the system, there will be training records kept and made available to authorised officers upon request.
5. Suitable refresher training to be completed at least once per calendar year commencing the year after their date of employment.
6. A written record to be retained for a minimum of 12 months and shall be made available to the Police and/or Licensing Authority upon request.
7. The DPS will ensure that a written statement of authorisation is produced and kept on the premises listing all people who are authorised to sell alcohol. This notice will be made available upon request by any authorised officer.
8. All staff who are authorised shall be able to identify themselves by means of ID if requested.
9. An incident log, (which may be electronically recorded) shall be kept at the premises, this will list all incidents that may take place on the premises that involve refusals or criminal incident.
10. The premises will be maintained in a safe manner at all times. All exits will be clear of hazards.
11. All refuse shall be disposed of in an appropriate manner.
12. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times. No bottle bins will be emptied before 10.00 am.
13. A Challenge 25 proof of age policy will be implemented on the premises.
14. Age Verification shall only be by a current passport, photo driving licence, forces ID cards or any card that carries a PASS logo.
15. Staff will be trained to understand these policies and training records will be kept.

16. These records will be made available to the police.

17. Proxy Sale posters informing people of the offence relative to proxy sales will be on display at the premises.

3.2 The below conditions have been requested by Environmental Protection and agreed with the applicant during the consultation period:

- Noise from music and associated sources (including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.
- All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for ingress and egress to the premises.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly.
- No bottles shall be disposed of or collected from the premises between the hours of 9.00pm and 8.00am where such disposal or collection is likely to cause disturbance to local residents.
- No amplified music / sound / speakers shall be permitted to any external part of the site.
- A noise management plan shall be in place and shall incorporate; measures to minimise noise associated with site; a complaints procedure; objectively responding to issues swiftly; and maintaining good communications.

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, no representations were received from the Responsible Authorities.

4.3 In response to the public consultation, the Licensing Authority received 4 objections to the grant of the premises licence from local residents. These are attached as **Appendix D**.

4.4 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.