

**AGENDA ITEM NO.**

**TRAFFORD COUNCIL**

**THE LICENSING SUB-COMMITTEE – 6<sup>TH</sup> NOVEMBER 2014**

**REPORT OF THE HEAD OF PUBLIC PROTECTION**

**REPORT REF. NO.**

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE – THE HIDEAWAY,  
218 CHURCH ROAD, FLIXTON,**

**PURPOSE**

To advise Members of an application for the Grant of a premises licence for The Hideaway 218 Church Road, Flixton M41 9DX which has attracted representations from both local residents and a local business.

**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 18(4) of the Licensing Act 2003.

**Iain Veitch  
Head of Public Protection**

**Further Information From:**

**Name: Joanne Boyle  
Licensing Team Leader  
Extension: 4129**

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 & location map)
- Appendices B1 to B9 - Representations against application from local residents
- Appendix C – Representation from the Council's Pollution Team
- Appendix D – Extract of Secretary of States' Guidance: Public Nuisance
- Appendix E – Extract of Trafford Council Licensing Policy 2011–2014: Public Nuisance

## 1. Background

- 1.1 The subject of this application is the premises located at 218 Church Road, Flixton M41 9DX which are to be known as The Hideaway (formerly the Barmy Olive). The property is not currently licensed.

## 2. Application for the Grant of a Premises Licence

- 2.1 On 12<sup>th</sup> September 2014, the Licensing Section received an application (**Appendix A**) from The Hideaway by Sponge Sisters Limited for the grant of a premises licence for the premises at 218 Church Road, Flixton, M41 9DX.

- 2.2 The application requests the licensable activities of:

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

Sunday to Thursday	10:00 to 21:00
Friday to Saturday	10:00 to 23:00

**Recorded Music (Indoors) from:**

Sunday to Thursday	10:00 to 21:00
Friday to Saturday	10:00 to 23:00

- 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 (**Appendix B1 – B9**).

- 3.2 A representation has been received from the Council's Pollution Team recommending the addition of the following condition should the licence be granted (**Appendix C**):

"Noise from music and associated sources (including DJs amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties."

The applicant has agreed to the inclusion of this condition.

**3.2** 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 representation must be from a responsible authority or any other person;
- ii. it must not be repetitious, vexatious or frivolous; and
- iii. it must relate to one or more of the licensing objectives.

#### **4. Licensing Objectives**

**4.1** The licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm

**4.1** The Committee should have regard to the Council's own Licensing Policy relating to the licensing objectives and to the Secretary of State's Guidance. **(Appendices D & E).**

#### **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 18(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.

TRAFFORD COUNCIL LICENSING  
12 SEP 2014



LA 0383/14

LDO: 10/10

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

**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.

We The Hideaway by the Sponge Sisters Limited  
*(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		
The Hideaway by the Sponge Sisters 218 Church Road Flixton		
Post town	Manchester	Post code M41 9DX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£5,300

**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 \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)

## APPENDIX A

- |   |  |  |
|---|--|--|
| iii. as an unincorporated association or<br>iv. other (for example a statutory corporation)   | <input type="checkbox"/><br><input type="checkbox"/> | please complete section (B)<br>please complete section (B) |
| c) a recognised club  | <input type="checkbox"/>                             | please complete section (B)                                |
| d) a charity  | <input type="checkbox"/>                             | please complete section (B)                                |
| e) the proprietor of an educational establishment   | <input type="checkbox"/>                             | please complete section (B)                                |
| f) a health service body  | <input type="checkbox"/>                             | 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  | <input type="checkbox"/>                             | 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 | <input type="checkbox"/>                             | please complete section (B)                                |
| h) the chief officer of police of a police force in England and Wales   | <input type="checkbox"/>                             | 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
- I am making the application pursuant to a
  - o statutory function or
  - o a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

APPENDIX A

**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)	orumah@yahoo.com				

**(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 The Hideaway by the Sponge Sisters Limited
Address  281 Palatine Road Wythenshawe Manchester M22 4ET
Registered number (where applicable) 9190420
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED] Director : Joanne Hill

# APPENDIX A

## Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	1	1	1	1	1	1	1

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

Please give a general description of the premises (please read guidance note1)

This small café has seating for approximately 33 people inside and approximately 20 people outside.

Inside the layout includes a seated area, counter area, kitchen, storeroom and bathroom.

Alcohol will be served to customers both inside and outside.

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



APPENDIX A

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 5)		
Sat					
Sun					

APPENDIX A

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur								
Fri						<b>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</b> (please read guidance note 5)		
Sat								
Sun								

APPENDIX A

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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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)
Fri			
Sat			
Sun			

APPENDIX A

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

# APPENDIX A

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)       <b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)       <b><u>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</u></b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

APPENDIX A

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	08:00	21:00			
Tue	08:00	21:00			
Wed	08:00	21:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	08:00	21:00			
			<b>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</b> (please read guidance note 5)		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	21:00			



APPENDIX A

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Sat			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 (please read guidance note 5)		
Sun					



APPENDIX A

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

APPENDIX A

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	10:00	21:00			
Tue	10:00	21:00			
Wed	10:00	21:00			
Thur	10:00	21:00			
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	10:00	21:00			
			<b>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</b> (please read guidance note 5)		

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

<b>Name</b> Joanne Emma Hill	
<b>Address</b>  88 Railway Road Urmston Manchester	
<b>Postcode</b>	M41 0YD
<b>Personal Licence number (if known)</b> PA054041	
<b>Issuing licensing authority (if known)</b> Trafford	

APPENDIX A

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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	21:30	<b>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</b> (please read guidance note 5)
Tue	08:00	21:30	
Wed	08:00	21:30	
Thur	08:00	21:30	
Fri	08:00	23:30	
Sat	08:00	23:30	
Sun	10:00	21:30	

## APPENDIX A

**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)**

- We will ensure all our staff are well trained and have a responsible approach to the sale of alcohol and key members of the team will attend a course to achieve their personal licence.
- All staff will be advised of the licensing laws in writing before they are allowed to serve alcohol.
- All staff will be trained on the premises' specific policies and records will be kept as to when training took place.

**b) The prevention of crime and disorder**

- The premises has a burglar alarm fitted which will be activated when the premises are empty.
- All rear access doors to the property are kept locked to prevent intruders.
- The rear of the building has external lighting which is unobtrusive to the neighbours.
- We will have effective security policies which will be formulated in conjunction with the police and shared with all staff members.
- We will follow the Challenge 25 scheme and train staff on how to challenge people, a records will be kept of any challenges made.

**c) Public safety**

- We will carry out regular fire extinguisher checks.
- All equipment will be fully maintained.
- Staff will be fully trained in fire evacuation procedures.
- A fully stocked first aid kit is kept within easy reach at the premises.
- The premises has a fire detection system in place, fire break points and smoke alarms.
- The premises has three clearly marked fire exits.
- The premises will have an accident book.

**d) The prevention of public nuisance**

- The premises will have signs asking customers to leave in a quiet manner and to respect the neighbourhood.

**e) The protection of children from harm**

- All our staff will be well trained in the proof of age scheme and will know to ask customers to show identification to prove their age if they appear to be under 25 years of age.
- The premises will have a refusal book where we will document and keep a description of anyone we have refused to serve.

# APPENDIX A


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 (electronically served through Licensing Section)
- 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	11/9/14
Capacity	Director

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	

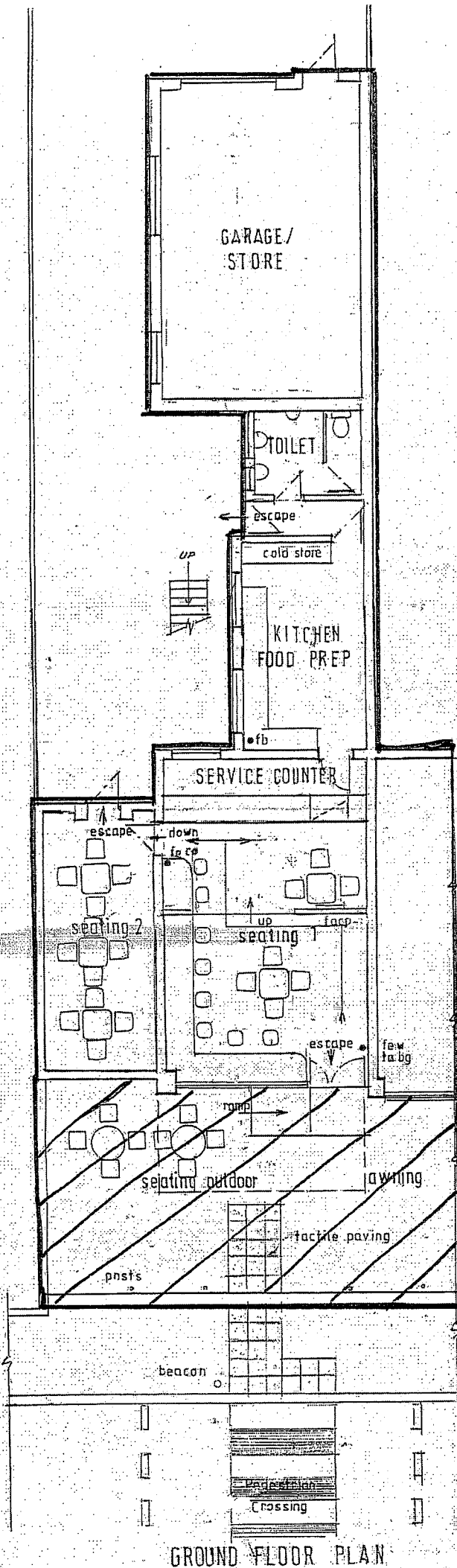
## APPENDIX A

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b> Joanne Hill, Director [REDACTED] [REDACTED]			
<b>Post town</b>	[REDACTED]	<b>Post code</b>	[REDACTED]
<b>Telephone number (if any)</b>	[REDACTED]		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> [REDACTED]			


### 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.

# APPENDIX A



GROUND FLOOR PLAN

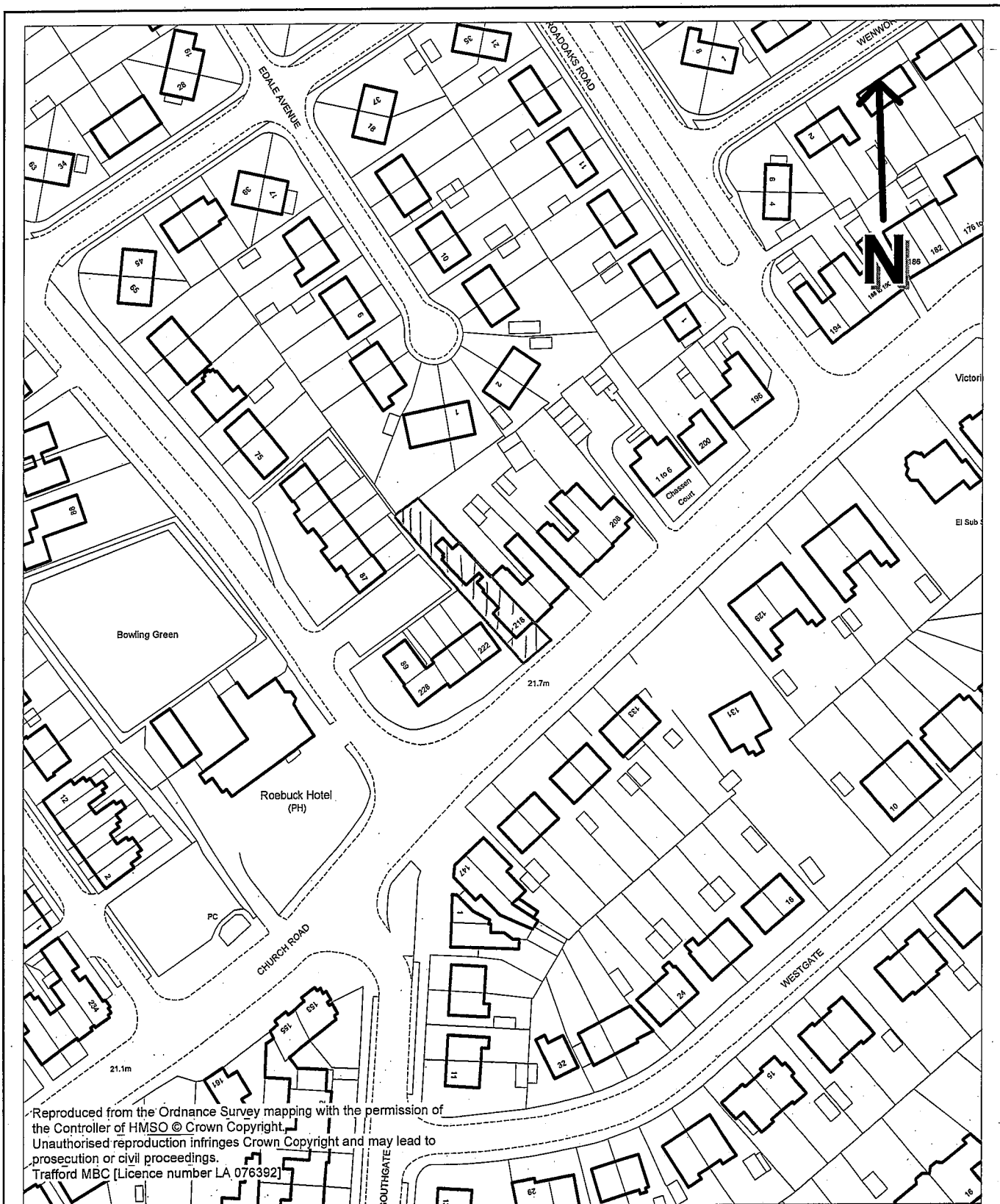
 EXTERNAL SEATINGS

- Key
-  fb fire blanket
  -  facp fire alarm control panel
  -  co2 fire extinguisher co2
  -  w fire extinguisher water

Total area 81 square metres

<b>P.W.Key</b> <b>Architectural Consultant</b> 23, Gloucester Road, Urmston Manchester M41, 9AF Tel 0161 748 9846		
CLIENT	MS J HILL	
SITE ADDRESS	218 CHURCH ROAD URMSTON MANCHESTER M41	
PROJECT	PROPOSED LICENSING	
SCALE	DATE	DRAWING NUMBER
1:100	BD 09 14	0914/29

# APPENDIX A



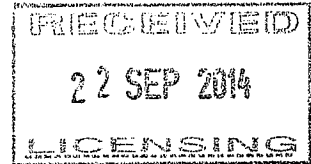
Reproduced from the Ordnance Survey mapping with the permission of the Controller of HMSO © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Trafford MBC [Licence number LA 076392]

## TRAFFORD COUNCIL

218 CHURCH ROAD FLIXTON	Scale 1/1250	Date Oct 14	File No.
	Drawn KI		
	Area (or thereabouts):		



(A)



Mr. R.Crosbie  
129 Church Road  
Flixton  
Manchester M41 9ET

18<sup>th</sup> September 2014

With reference to Planning Application re: Premises: Hideaway by the Sponge Sisters  
At 218 Church Road, Flixton, Manchester M41 9DX

Dear Sirs,

I wish to register my objection to this application for a licence to sell alcohol, also change of Business hours.

These premises was previously a daytime café doing business from early morning until tea time. We did experience and accept a certain level of noise, especially at weekends from customers Sat outside at tables, also vehicle parking and blocking access to our premises.

I believe the sale of alcohol at The Hideaway and the late opening times, not forgetting the Regulated entertainment noise, plus the irresponsible vehicle parking, would exacerbate the Situation.

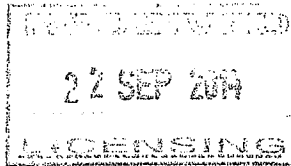
Night time noise and possible nuisance would affect the market value of our properties, but suffice To say we are against the application for a licence to sell alcohol, late opening hours and Entertainment at The Hideaway by the Sponge Sisters, 218 Church Road, Flixton

May we continue to have nuisance and noise free evenings in our homes.

Yours faithfully

A handwritten signature in cursive script, appearing to read "R. Crosbie".

R. CROSBIE



A

137 Church Road

Urmston

Manchester

M41 9ET

Tel: 0161 747 5130

Date: 19.09.14

Dear Sir/Madam,

**Ref: The Hideaway by the Sponge Sisters. Address: 218 Church Road, Flixton, Manchester. M41 9DX.**

I write to you to express my concerns over the proposed use of 218 Church Road, Flixton.

Before granting the business owners a License to sell alcohol and play recorded music, it would be very much appreciated if you would take my concerns into account.

For the past five years my family and I have endured various problems created by the previous business "The Barmy Olive" that was only in operation in the day time.

For example:

- Invasion of our privacy, created by outside diners staring at our home which is directly across the road
- Discarded paper serviettes and food wrappings that blew into our driveway,
- Drivers parking illegally on pavements
- Drivers parking very close to, or on the zebra crossing creating a danger to pedestrians
- Very early morning deliveries creating a noise disturbance at a very quiet time of the day

Having recently experienced all the above for so long, we are absolutely opposed to "The Hideaway" being granted a license to sell alcohol until 9.00pm Monday to Thursday/Sunday and until 11.0pm Saturday and Sunday. And play recorded music until 9.30pm Monday to Thursday/Sunday and 11.30pm Friday and Saturday.

Taking into account all the above, in our opinion the premises and it's location are not suitable to be a wine bar or any other drinking establishment, due to the fact they are directly opposite, next door to and underneath residential properties also, there is a distinct lack of parking facilities. This is a quiet peaceful residential area in the evenings and we would like it to remain that way.

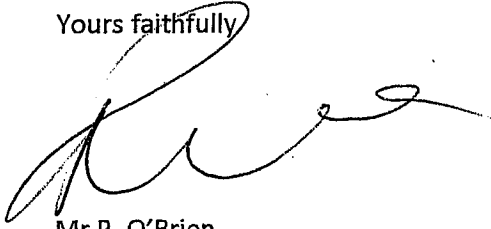
Should the business owner's wishes be granted it is inevitable that all nearby home owners will endure the following:

- Noise disturbance from the playing of recorded music
- Noise disturbance from customers standing outside talking loudly whilst smoking
- Drivers parking close to, or on the zebra crossing
- Drivers parking on the pavement
- Taxi's arriving and leaving and the slamming of the taxi's doors late into the evening
- Noise disturbance from early morning deliveries

- It will undoubtedly de-value our homes.

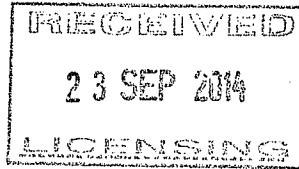
I trust you will seriously consider our objections prior to making your decision.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. O'Brien', written in a cursive style.

Mr P. O'Brien

APPENDIX B3



133 church Rd  
Urmston  
m/c  
M41 9ET  
20/9/14

(A)

Reference :- Premises Licence Applied For on 12/9/14.

Premises - The Hideaway by the ~~Sisters~~ sponge Sisters.

Dear Sirs,  
We write to register our strong objection to the application and the issue of a Licence to sell alcohol (on and off the premises) and the holding of regulated entertainment to include the playing of recorded sound into the evening up to 9.30 pm 5 nights a week and up to 11.30 pm 2 nights a week.

The approval of the above by the Council is beyond comprehension. This is a residential area, not a town centre location. The proposed business is opposite my home. See photograph emailed to yourselves with this objection Saturday 20/9/14.

The Traffic will increase, there is no parking outside the premises as it is. There will be increased visits by the police and traffic wardens when vehicles park on the pelican crossing white zig zag lines which contravenes the road Traffic Act.

The value of my property will be effected and devalued which is not acceptable.

People will be drinking on the Footpath outside the Premises which is not acceptable.

We trust you will thoroughly investigate the intentions of the applicants

PTO

to determine the actual noise levels and confirm  
to them the implications of breaching the Licence  
conditions

we would ask you to confirm the noise level / db  
rating which is applicable to this Licence application

yours sincerely

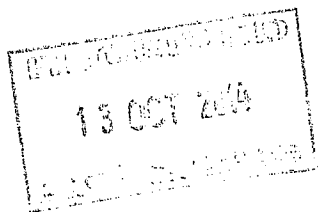
Mr D Houghton

(Senior Planning Surveyor)



APPENDIX B 3

133 church Rd  
Urmston  
Manchester  
M41 9ET  
6/10/14



Ref: Application For a License to sell Alcohol and  
Play recorded music at The Hideaway 212 church Rd  
Flixton M41 9DX

Dear sir/madam,

We wish to Lodge a presentation, objection to the grant  
of a License that has been applied for under the Licensing  
Act of 2003.

Further to our recent communication and having had time  
to reflect upon the possible outcome of the application being  
granted.

The following are of great concern to us and have  
implications on and will effect the area.

1. Public Safety

• The illegal parking of vehicles on or along  
the existing zebra crossing zig zag lines causing  
danger and probable accidents by drivers of vehicles  
not having a clear view of pedestrians trying to  
use or actually starting to cross the main road.

• The use of bottles or glasses provided by "The  
Hideaway" being used as a weapon. We are told  
by the people who have applied for the Licence that  
wine will be sold by the glass or bottle for drinking  
outside the premises ie on the footpath. This is  
a relevant item of concern.

## 2. The Prevention of Nuisance .

we believe that as a result of allowing people to sit and drink alcohol outside the above premises will lead to rowdy behaviour as in other areas of Urnston. raising of voices, shouting, swearing, which does not happen at the moment but will surely happen in the future should the license be granted. This is not acceptable to the local community or residents close by.

This is a busy road / Footpath with both young children and the elderly passing the above premises, I would not like to see these people being subjected to or hearing foul language or possible rowdiness / Foul language

we Live opposite the above premises and do not see this being a benefit to the area.  
without Alcohol it would be

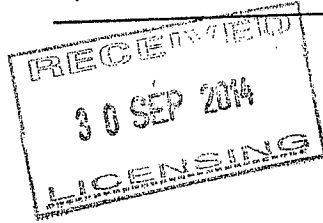
yours sincerely

Mr & Mrs D Houghton

David Houghton



APPENDIX B 4



(A)

127 Church Road,  
Urmston,  
Manchester,  
M41 9ET.

Sunday, 28 September 2014

Dear Sir/Madam,

I write concerning the Club Premises Licence application (Ref: LA0383/14) by the Sponge Sisters regarding The Hideaway, 218 Church Road, Flixton, Manchester, M41 9DX.

It is my opinion as a resident of Church Road, living in a nearby property, that such an application should not be granted.

The reasons for my objection include:

1. The proximity of residential property, including a domestic residence immediately next door with the associated noise disturbance with the extended hours of opening and the sale of alcohol.
2. There is a total lack of any parking facilities at all for the property, which is on a busy B road, adjacent to a pedestrian (zebra) crossing. There is already a problem with illegal parking on forbidden zones including yellow lines and on zig zag areas adjacent to the crossing when people frequent the existing businesses in the area. Granting licence to another business will only serve to make such a problem worse, with the problem being over an extended day.
3. There is already a litter problem on Church Road associated with the existing take away businesses. Extending the existing opening hours with the associated increase in trade will also compound this problem.

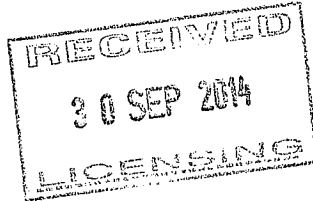
I understand that you share letters of objection to an application with the applicants. Whilst I have no objection to this, it is important that you understand that the applicants have used this information to attend the homes of such objectors, including my elderly neighbours. The applicants informed them that the alcohol licence was "a given" and asked them to withdraw their objection. Such behaviour amounts to intimidation and harassment and is not acceptable.

I send this objection to the application by e-mail and will also submit this by post, as per Trafford MBC requirements.

Yours sincerely,

A handwritten signature in cursive script that reads "Helen E Denley".

Helen E Denley (Dr)



216 Church Road  
Urmston  
Manchester  
M41 9DX  
England

Tel/Fax: 0161 748 3644

Email: mail@rowantechnologies.co.uk

Web: www.rowantechnologies.co.uk

Joanne Boyle  
Team Leader (Licensing)  
Licensing Section  
Trafford Council  
Trafford Town Hall  
Talbot Road  
Stretford  
M32 0TH

29<sup>th</sup> September 2014

Dear Ms Boyle

**Re: The Hideaway – 218 Church Road – LA2003 DOC23**

I object to the above application on the grounds of prevention of public nuisance. The premises are situated in a residential area, which is totally unsuitable for a late night opening wine bar. I am not opposed to the serving of alcohol on the premises or it being open up to 9pm in the evening. However, I am opposed to allowing it to remain open up to 11:30 on both Friday and Saturday nights.

The new owner of 118 Church Road has recently visited me and advised that they now wish to amend their application so that they would close at 9pm on both Friday and Saturday nights. If this is the case then I would have no objection to the application. If this is not the case, then I strongly object to the application.

Yours sincerely

A handwritten signature in cursive script that reads 'David Farrell'.

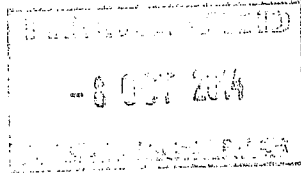
David Farrell

APPENDIX B6

Mr Eric Smith  
Shawe Tow House  
131 Church Road  
Urmston  
Manchester  
M41 9ET

30<sup>th</sup> September 2014

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



Dear Sir/Madam

OBJECTIONS TO LICENCE OF PREMISES : THE HIDEAWAY BY THE SPONGE SISTERS  
ADDRESS: 218 CHURCH ROAD, FLIXTON, MANCHESTER M41 9DX

It would appear that the premises is to continue to be a bistro however with a licence to serve alcohol for consumption on and off the premises.

My concern as an elderly resident of a private dwelling for the last 25 years living almost directly opposite the premises are

1. As long as the alcohol consumed is to accompany a meal and the alcohol is ancillary to a meal being eaten on the premises which excludes the outside seating on the pavement forecourt I would have no objection. My main concern is that the premises becomes a wine bar with its main use being solely for consumption of alcohol with clients over spilling onto the outside seating on the pavement forecourt, especially when the times for the licence extend to 2300 hours Fridays and Saturdays.
2. There is no off-road parking for clients.
3. Another concern is that if the new venture fails, that the premises could change hands as a licensed premises for a wine bar in the future and as a result become another Flixton Road venue at night.

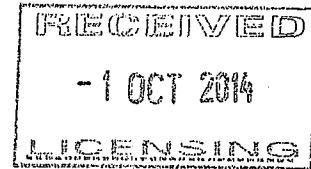
It would be appreciated if some form of probationary period was attached to the grant of the licence in the event that it becomes an undesirable form of nuisance.

Yours faithfully

Mr Eric Smith

APPENDIX B7

The Licensing Manager  
The Licensing Department  
Trafford Council  
Stretford Town Hall  
Talbot Road  
Stretford  
Manchester



[REDACTED]

29th September 2014

Dear Joanne

This is a formal objection to the granting of a premises / Club premises licence Ref LA2003DOC 23

The premises -: The Hideaway by the sponge sisters

The address -: 218 Church Road Flixton Manchester M41 9DX

On 28th September 2014 at 14.00hrs a woman ( her name is jo) knocked on the door of my home and started to rant at me regarding local residents that had been objecting to the application for a licence, submitted to the licensing section of Trafford Council to allow the sale of alcohol and the playing of recorded music, at the premises now called The Hideaway, it was most disturbing, because I had not objected to the granting of any Licence. The woman said she was advised by a member of the licensing team (Janet Taylor) to speak to the local residence and get them to withdraw their objections so that the licence would be granted, she was also advised to apply for the late licence even though she didn't want to open late, this is unacceptable. I have seen this woman and her partner knocking on the neighbours doors, I also know that she has spoken to my landlord trying to persuade him not to resubmit his objection. When I didn't accept what she saying the woman's demeanour became aggressive and I felt threatened by her, she retorted "the licence would be granted anyway" and i should get myself a solicitor. I mind my own business at home and I object to being confronted in this manner. In my experience once a licence is issued to those inexperienced with the night time economy the misery of crime, noise and nuisance to local residents and others is far more difficult to deal with. The application may also be a means to enhance the future use of the premises if granted, in my opinion the premises would be suited as they firstly proclaimed a quiet afternoon tea and cake shop.

The grounds for my objection are as follows-:

1. Licensing and Human Rights
  - Right to -: liberty and security
  - Right to -: respect for private and family life
  - Protocol 1 of article 1: Protection of property -: Every legal person is entitled to the peaceful enjoyment of his possessions.

## 2. Licensing Objectives

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

## 3. The Local Government (Miscellaneous Provisions) Act 1976

- Local Authorities to require the provision of sanitary appliances and associated facilities for use by the public (especially where food and drink is consumed on the premises).
- In the interests of good hygiene, where food is prepared on the premises, it is preferable that staff WCs be accessible by employees only.

## 4. The Health Act 2006

- Smoke free Premises and Places.

Where people are not allowed to smoke in doors, they smoke outside this smoke then becomes harmful passive smoke inhaled by anybody in close proximity.

I have taken the trouble to research some of the many reports issued which highlight the need for the police and local authorities to take a hard stance in preventing alcohol being the common denominator for abuse, crime, nuisance and recently on the streets of Urmston the brutal murder of a young man.

Please see below some extracts that highlight the commitment and necessary steps needed to be taken.

### North West Public Health Observatory

- The recently published White Paper, Healthy Lives, Healthy People, sets out the strategy for public health in England and highlights the significant impact of alcohol on society. According to the National Audit Office, over 10 million adults in England drink more alcohol than the recommended daily limit, with the House of Commons Health Committee reporting that 2.6 million of them are drinking more than twice this. The risks of alcohol misuse are well established and place a huge burden on the NHS at an estimated cost of around £2.7 billion a year. The number of hospital admissions attributable to alcohol misuse was 1.1 million in 2009/10, a 100% increase since 2002/03. Alcohol misuse also contributes to 1.2 million incidents of violent crime a year, 40% of domestic violence cases and 6% of all road casualties.

### Health and social care information centre. (hscic)

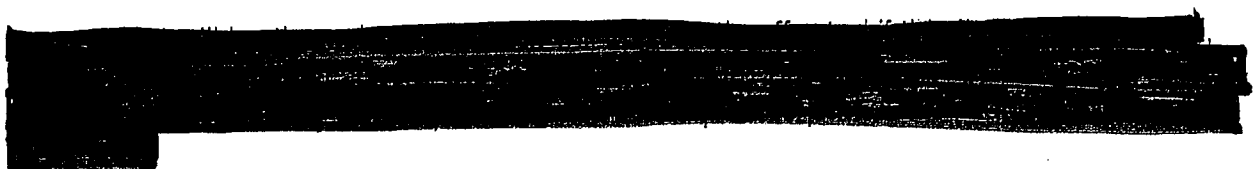
- The Public Health Responsibility Deal was formally launched in March 2011. It challenges businesses and other organisations to play their role in creating an environment that supports people to make informed, balanced, healthier choices.
- Around 125 companies are signed up to alcohol pledges that support the overall commitment to help people drink within the guidelines.
- Industry has already taken action, making pledges in a range of areas.
- This includes a pledge to give consumers a wider choice of lower strength products to help take one billion units out of the market by 2015, over 30 companies are signed up; and a pledge that 80% of bottles and cans will have health and alcohol unit information clearly labelled by the end of 2013 - with 92 companies signed up.

- The focus going forward will be to deliver the existing pledges; however, we will strengthen these while focusing on areas that will make the biggest difference such as the industry's pledge to remove one billion units of alcohol from the market by 2015. This would be a drop of around 2% of units of alcohol sold. It is estimated that in a decade, this will result in many hundreds fewer alcohol-related deaths; many thousands fewer hospital admissions and alcohol-related crimes, as well as substantial savings to health services and crime costs each year.

### The Greater Manchester Alcohol Strategy 2014-2017

- Alcohol is everybody's business. It is a cross-cutting issue that concerns the health and wellbeing of our residents, the safety of our communities, and the future success of our town centres and their night-time economies.

If Trafford Council is really committed to the Greater Manchester Alcohol Strategy 2014-17 the health and well-being of residents and the safety of communities then the granting of this licence will be refused. The proximity of this area is already well served for dining out, take away meals and alcohol, by : The Roebuck, Peter Pan, Rainbow and two off license.



The Rainbow (214) is a well established business open six nights a week. Tuesday they are closed, on this day I can open my windows without my home and personal effects being polluted with the obnoxious cooking smells of fish, chicken and garlic, the extraction fan is located directly adjacent to my bedroom and bathroom windows only feet away. All my windows are closed tightly at all other times unfortunately this doesn't stop the constant whirling noise generated by the extraction fan motor this has to be tolerated from about one o'clock in the afternoon until closing time after 2300hrs and later at weekends. Then I get the cleaning up noise the bashing of the brush and mop on skirting boards the constant trips outside to the outside storage facility. During the course of any open evening there will be the constant flow of customers on foot, in cars and motorbikes often stood outside talking, shouting and smoking or sat in their cars playing their favourite music at full blast often parked on the restricted zig zag crossing or blocking my right of way and service entrance to the rear of the premises. Finally all this settles down sometime after midnight then I'm just left with the ringing in my ears (I suffer from tinnitus). On nice days in the afternoon I'm unable to enjoy the peacefulness of an outside area.

The Barmy Olive 218 Church Road was relatively new when I moved to [redacted] and has become more established over the years attracting more and more customers particularly at the weekends, tables and chairs are set out to the front of the premises. The proprietors arriving at 5.30 every morning with the banging of car doors and then all the smells and noises you would expect from a busy kitchen, polluting and resonating through the real estate. Unfortunately there is nowhere to park at the Barmy Olive so customers again park on the restricted zig zag crossing directly in front of the premises causing great danger to children, families and the elderly, who may be trying to safely cross a busy road, the customers resort to blocking my access [redacted] and any other emergency vehicles that would require access. On one occasion I had to contact the police so that I could exit [redacted] the premises I was trapped for over two hours and I

had to be somewhere important, on another occasion I was verbally abused and threatened when I informed a customer that it was private parking [REDACTED]. On busy weekends the customers are sat out to the front of the premises this generates a loud hub hub of coming and going, cooking smells and smoking smells all of this disturbing my weekend peace.

My nature is not to complain but to tolerate with little fuss, the premises were only built to tolerate domestic noise and not any kind of acoustic music the real estate was built for residential purposes only, to grant a licence anytime after 6 o'clock in the evening would be an infringement of my human rights, for me to enjoy some kind of relaxation in the evening before any early start I may have the next day. Due to recent traumatic events I'm unable to find full time permanent employment, I take medication for anxiety and depression which my doctor described as severe, I also require medication to sleep at night. My tolerance is at its limit and any further aggravation will be detriment to my health and well-being. Moving is not an option because I live near my children.

Please confirm you have received my Email and please inform me when you have received this letter in the post. If you think my objection is not relevant please state in full the reason.

I will be visiting to view the application and any other consultation reports regarding the application on Wednesday 1st October 2014 or if you prefer you can post them to me at the above address.

[REDACTED]

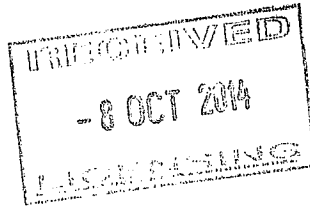
Please note this objection is not for the public domain and I reserve all my privacy rights.

APPENDIX B8

Mrs A Kwan  
214 Church road, Urmston, M41 9DX

4<sup>th</sup> October 2014

The licensing section  
Trafford council  
Trafford town hall  
Talbot road  
Stratford  
Manchester M32 0TH



Dear Sir/ Madam,

RE: The Hideaway by the Sponge sisters (Ref:LA0383/14)  
218 Church Road, Flixton, Manchester M41 9DX

I am writing to make my representation in relation to the application which is greater than the public generally on the following basis.

I object to the granting the license to this application because of:

- Noise disturbing people live especially school children as their opening hours across the hours.
- Parking on the main road and at the back of private road is already a problem now especially the shop front is a zebra crossing.
- Bottles on the street can be harm to children
- It's too many place in one road selling alcohol

The particular impact on me from the grant of this license would be:

- People shout loudly at night on the street which affect to our sleep
- Disturbance on the street and to our shop when people get drunk which affect our business
- Extra problem on the street that the police force can't respond immediately putting my life at risk

The grant of the license to this applicant would increase rather than reduce the misuse and abuse of alcohol because:

- Age structure and residential nature in this community
- At least 5 schools surrounded in the area
- Dark allies at the back of the shop
- Unlit parks just down the road of the premises

For these reasons I object to the grant of the license. It would contravene the object of the Act and would lead to a significant negative impact to the community.

Yours sincerely,

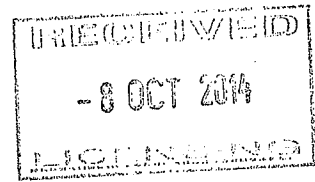
(Signature)



APPENDIX B9

Ms Lester Lee

208 Church road, Urmston, Manchester M41 9DX



2<sup>nd</sup> October 2014

Re: The Hideaway by the Sponge sisters (Ref: LA0383/14) 218 Church Road, Flixton, Manchester M41 9DX

I am writing to make my representation in relation to the application for a premises license by The Hideaway by the Sponge sisters (Ref: LA0383/14) 218 Church Road, Flixton, Manchester M41 9DX.

The basis for this opposition is that granting a license for these premises will not promote the licensing objectives, particularly in crime and disorder, protection of children from harm and nuisance to public.

218 Church road situated within a very quite residential area and enabling the premises to sell alcohol would be totally detrimental to its aims and objectives. The application proposes that alcohol will be sold for consumption between the hour of 10am and 9pm and 10am and 11pm at the weekend seven days a week. Granting a license would provide a further source of alcohol within a quite residential area which already overcrowded with licensed premises that crime, disorder and public nuisance problem would be raised. Its already took 3 to 4 hours to get police response to crime normally, so an addition premises to sell alcohol it won't be appropriate.

I would also urge the Committee to consider under the Licensing Act 2003, one of the licensing objective is to protect children from harm that 218 Church road is a high populated children area surrounded by at least 5 schools.

Regarding to the Regulated entertainment, noise generated from premises resulted in disturbance and irritation to residents as it has already proof at a weekend that music played loudly can be heard in my house even with double glazed windows closed and I am 6 blocks away from the premise.

At times the nuisance caused by the volume from amplified music noise and noise from patrons and the level of noise created by the customers can be unbearable and very uncomfortable to be living near. This is a very quiet residential area and consequently this makes the nuisances more evident especially the premise is attached of other properties either side.

Under the Licensing Act 2003 of advertising the application in Local newspaper that the local newspaper haven't been deliver for weeks through out the September so most of the residents haven't been notified in such form of notice so that the application will be invalid in this case.

Thank you for your time to this matter.

Yours sincerely,



## APPENDIX C

From: [Peter.Belfield@trafford.gov.uk](mailto:Peter.Belfield@trafford.gov.uk)

To: [johill@live.co.uk](mailto:johill@live.co.uk)

CC: [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk)

Subject: The Hideaway by the Sponge Sisters Limited, 218 Church Road, Flixton

Date: Wed, 1 Oct 2014 16:07:39 +0000

Hi Joanne,

As discussed re. your application for a Premises Licence at the above address, I wish to include the following condition onto any granted Premises Licence as follows:

"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".

Whilst I note that you are proposing only background music to be played, I consider that the condition is necessary to ensure suitable limits are maintained on music volume and to reassure nearby residents who may be concerned about the potential for nuisance.

If you are in agreement to this condition being attached, then I would be grateful if you could reply back to me confirming as such. The Licensing Section may then email you directly to negotiate an all-party agreement and you may be required to re-affirm your agreement to them.

Many thanks for your co-operation and I would appreciate a reply by tomorrow due to restricted timescales for the completion of the agreement.

Regards,  
Peter Belfield

Environmental Health Officer

Pollution & Housing Team, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Trafford M32 0TH.

Tel: 0161 912 4579 Email: [peter.belfield@trafford.gov.uk](mailto:peter.belfield@trafford.gov.uk)

## APPENDIX D

### Secretary of State's Guidance

#### 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.<sup>21</sup>
- 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.

## APPENDIX E

# Trafford Council – Licensing Policy 2011-2014

### 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.