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TRAFFORD
COUNCIL

AGENDA PAPERS MARKED 'TO FOLLOW' FOR LICENSING SUB-COMMITTEE MEETING

Date: Thursday, 23 February 2017

Time: 4.00 pm

**Place: Committee Room 2&3, Trafford Town Hall, Talbot Road, Stretford,
Manchester, M32 0TH**

[PLEASE NOTE CHANGE TO MEETING ROOM]

AGENDA	PART I	Pages
2.	APPLICATION FOR REVIEW OF PREMISES LICENCE HELD FOR HALE COUNTRY CLUB, 47 CLAY LANE, HALE, CHESHIRE	
	To consider the attached report of the Head of Regulatory Services.	1 - 32

THERESA GRANT
Chief Executive

Membership of the Committee

Councillors M. Whetton (Chairman), A. Mitchell and M. Freeman

Further Information

For help, advice and information about this meeting please contact:

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TRAFFORD COUNCIL

LICENSING SUB - COMMITTEE – 23rd FEBRUARY 2017

REPORT OF THE HEAD OF REGULATORY SERVICES

APPLICATION FOR REVIEW OF THE PREMISES LICENCE HELD FOR HALE COUNTRY CLUB, 47 CLAY LANE, HALE, CHESHIRE

PURPOSE

To advise the sub-committee of an application requesting a review of the premises licence held for Hale Country Club. Officers have assessed the grounds given for the review and are of the opinion that the application is vexatious. However, the final decision as to whether an application for review is valid is not delegated to officers and, therefore, must be considered by the sub-committee.

RECOMMENDATIONS

That the sub-committee consider the application and the submissions of all parties and either:

- decide that a review is necessary and instruct officers to process the application; or
- decide that the application is vexatious and reject the application.

IAIN VEITCH

Head of Regulatory Services

Further Information From:

Name: Joanne Boyle

Ext: 4129

Appendices

- A Copy of the Application for review
- B Copy of the premises licence for Hale Country Club
- C Copy of the response on behalf of Hale Country Club
- D Response from GMP on 20/12/16
- E Email from David Roberts 26/1/17 re role of Lee Davies

1. BACKGROUND

- 1.1 The Home Office Guidance issued under section 182 of the Licensing Act 2003 states:
- 1.2 (11.2) At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or club premises certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.3 The four licensing objectives are:
- The prevention of crime and disorder;
Public safety;
The prevention of public nuisance;
The protection of children from harm.
- 1.4 (11.11) If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' associations, local business or trade association) before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious.
- 1.5 (9.5) It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.
- 1.6 (9.6) Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 1.7 (9.7) Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 1.8 (9.8) Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 1.9 (9.9) It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making

that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

2. APPLICATION FOR REVIEW

2.1 On the 21st December 2016 the Licensing Section received an application from Mr Daniel Norstrom, for review of a premises licence under section 51 of the Licensing Act 2003. (See Appendix A)

2.2 The premises referred to in the application are:

PL00067 Hale Country Club, 47 Clay Lane, Hale, Cheshire, WA15 7AF (See Appendix B)

2.3 The premises licence holder is: Hale Country Club Limited.

2.4 The application gives the grounds for review as: the prevention of crime and disorder; and public safety. In the main body of the application the applicant gives their account of the circumstances (Appendix A). This is prefaced by the following summary

2.5 *'This application is made as a result of Mr Daniel Norstrom an ex-member of this establishment being physically assaulted by a security guard on the premises who was not identifiable and who, although apparently licensed, was not displaying his Security Industry Authority (SIA) licence (blue badge) in accordance with the requirements of Section 9 of Private Security Industry Act 2001. It is further contended that the actions of this security guard clearly put the safety of the general public including other club members at risk.'*

3. RESPONSE ON BEHALF OF HALE COUNTRY CLUB

3.1 On the 20th December 2016 Hale Country Club were informed about the application for review and were forwarded a copy of the application itself.

3.2 On the 6th January 2017 an email was received by Joanne Boyle from David Roberts of Eversheds solicitors with their response to the application (Appendix C). The Summary at the end of their response reads as follows –

"In the circumstances the Licensing Authority should reject the application for a Review of the Premises Licence on the following grounds:-

- 1. Following the incident on the 2nd November 2016 the police reviewed the CCTV and had no concerns in respect of how the matter was dealt with by the Club.*
- 2. If the police had concerns in relation to the operation of the premises under the Crime and Disorder or Public Safety objectives they could have initiated their own enforcement proceedings against the Club which they have not done nor have they indicated at any time they were likely to do so.*

3. *The Front of House Officers and security management employed at the Club are all appropriately licensed by the SIA. Front of House Officers are all identifiable from other members of staff by their own distinct uniform. They have since been further reminded of the requirements to display their SIA licences.*
4. *The application is frivolous. The premises are well run and are operated in accordance with the Premises licence and the Club ensures that it upholds each of the licensing objectives. Furthermore no evidence has been submitted by the Applicant to the contrary.*
5. *The Applicant is using the Licensing Act 2003 and the Review process in a vexatious attempt to cause disruption to the Club in response to having his membership terminated. To proceed with the Review cannot be in the public interest.*
6. *If the Applicant has any dispute with our client arising out of the termination of his membership then it is a contractual dispute and should therefore be addressed to the appropriate tribunal, it is not a matter for consideration of the Licensing Committee.”*

4. FURTHER ENQUIRIES – ALLEGED ASSAULTS

- 4.1 Clearly the applicant and the respondent have given accounts of the relevant incidents which differ in several respects.

What their accounts have in common is that they both refer to an earlier incident on the evening of the 31st October 2016 where Mr Norstrom swiped his own card to gain admittance, rather than have it swiped by a member of staff. Both accounts also confirm that soon after entering the Club on the 2nd November 2016 Mr Norstrom was overheard by a member of staff discussing this earlier incident with a friend. Thereafter is where the accounts differ one from the other, particularly in respect of the altercation that followed.

- 4.2 Following the receipt of the application and on several occasions since then, officers from the Licensing team have been in contact with Greater Manchester Police. This has been firstly in order to obtain an account of their involvement in investigating the events of the 2nd November 2016 and secondly to seek their view, as a Responsible Authority under the Licensing Act 2003, as to the validity of the application to review the licence.
- 4.3 On the 19th December 2016 Sergeant 9828 Rachel Nutsey from the Safer Trafford Integrated Partnership Team emailed the Licensing team (Appendix D). In this email she provided data in relation to incidents involving police at this location during 2016 and went on to give detail in relation to their involvement in investigating the events of the 2nd November 2016.
- 4.4 The first police log (FWIN 1923 2/11/16) was in relation to a report to them on the 2nd November 2016 by Lee Davies, the member of staff at the Club. Mr Davies made an allegation of assault against him by three members at the

Club, one of which was Mr Norstrom. The police conducted enquiries at the club, during which Lee Davies and Mark Gorton, Security Manager at the Club, confirmed that they did not wish to pursue the complaint further and that it would be dealt with in house. It was confirmed that Mr Norstrom would have his membership suspended pending enquiries by the Club management. As a result of this Mr Norstrom was not formally interviewed by the police.

- 4.5 The second police log (FWIN1069 7/11/16) is in relation to a counter allegation by Mr Norstrom of assault on him by Lee Davies. The officer investigating reviewed the CCTV footage of the incident and states that it is clear that Mr Norstrom was asked to leave several times before Mr Davies actually attempts to push him out. He also states that the footage shows Mr Davies being assaulted by friends of Mr Norstrom at this time. Mr Norstrom was subsequently spoken to by GMP who state that he accepted that he should have left the club when asked as he was being lawfully ejected. The police log goes on to state that as the damage sustained to Mr Norstrom's phone was accidental no crime was submitted for this aspect. The police filed the allegation of assault as no further action against any party involved.
- 4.6 On the 2nd February 2017 Joanne Boyle met with PC 19281 Neil Parkin, Divisional Licensing Officer for Trafford. During that meeting PC Parkin confirmed that based on the reported details of the incident in question, and the lack of historic incidents linked to the premises; the Police would not support an application for review on the grounds of crime and disorder and public safety.

5. FURTHER ENQUIRIES – ROLE OF LEE DAVIES/SIA COMPLIANCE

- 5.1 In the application itself and in subsequent responses from the Club several comments have been made in relation to the role of Mr Davies and Club policy and procedures in relation to that role.
- 5.2 Mr Nordstrum for his part alleges that Mr Davies, on 2nd November 2016, was not displaying his SIA licence as he should. In support of this contention he points out that Mr Davies had acted in a security capacity by attempting to evict him from the premises. He goes on to claim that the Club's management, by allowing Mr Davies to act in this manner, are undermining the licensing objective of the prevention of crime and disorder.
- 5.3 In response to enquiries from Licensing David Roberts from Eversheds outlined the position of the Club in relation to Mr Davies's role at the time of the incident on the 2nd November 2016 (Appendix E). In summary their position is that whilst Mr Davies was properly registered with the SIA his role as a "front of house officer" would not require him to display his SIA licence.
- 5.4 This position appears somewhat at odds with Mr Roberts' previous statement in point 3 of the summary in his email of 6th January 2017 that states "Front of House Officers are all identifiable from other members of staff by their own distinct uniform. They have since been reminded of the requirements to display their SIA licences".

5.5 However in examining the SIA guidance about what constitutes licensable activities The guidance about the need for an SIA licence says that manned guarding activity includes any of the following:

1. Guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage;
2. Guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained;

References to guarding premises against unauthorised access include being wholly or partly responsible for determining the suitability for admission to the premises of persons applying for admission. *“However, this does not include the activities of a person who exercises control over the persons allowed access to any premises to the extent only of securing, or checking, that persons allowed access have paid for admission or have invitations or passes allowing admission.*

The manned guarding activities above do not apply to the activities of a person who, incidental to the carrying out of any activities in relation to a group of individuals which are neither manned guarding activities or checking that persons allowed access have paid etc (as above), maintains order or discipline amongst those individuals. An example might be a school teacher accompanying children on an outing.”

The manned guarding activities which require a licence *do not apply to the activities of a person who, incidental to the carrying out of activities which are not wholly or mainly the activities of a security operative, responds to a sudden or unexpected occurrence.*

5.6 In summary therefore the position of the club appears to be that their front of house staff do not need to have an SIA licence, but do have a licence, which on this occasion Mr Davies had on him but he was carrying out a role at the club that did not require him to be licensed. This claim appears to have merit.

6. THE POSITION OF THE LICENSING TEAM

6.1 In addition to regular discussions between the relevant officers as enquiries progressed Joanne Boyle and Graeme Levy held a meeting on 18th January 2017 to consider their views on this application. In reviewing the matter several key factors were discussed.

6.2 It was felt that in considering an application for review on the grounds of public safety and the prevention of crime and disorder consideration should initially be given as to whether a stand-alone incident, of itself, is deemed so serious as to warrant a full review. Secondly consideration should also be given to the wider picture in terms of a history of recent problems at the premises.

6.3 In relation to the first of the considerations above officers were firmly of the view that whilst this incident will have been upsetting for the parties involved it is not serious in terms of public safety or crime and disorder. It was felt likely

that the incident on the 2nd November 2016 was related both to the earlier incident on the 31st October 2016 and to the particular parties involved, rather than there being evidence pointing to the likelihood of similar or more serious problems involving other parties. In relation to events on the 2nd December 2016 two separate allegations of assault were made to the police, neither of which were taken forward to formal sanction. It is recognised that in terms of evidential thresholds the police/CPS threshold is far higher than that in terms of matters justifying consideration by this Committee. Nevertheless the feedback to the Licensing team from the police suggest that the incident on the 2nd November 2016 was not a serious one in relative terms.

- 6.4 In terms of the previous history, other than the log data supplied by Sergeant Nutsey in her email of 19th December 2016, the Licensing team are not aware of there being any previous problems in terms of public safety or crime and disorder at or related to the Club. The Licensing team are in regular contact with PC Neil Parkin on a range of licensing issues and it is likely that had there been incidents to justify him raising the issue with the Licensing team he would have done so.
- 6.5 Another of the key factors considered by officers was the question of proportionality. Officers had in mind the following question – would the calling of a review of the licence, on the basis of this representation, with the costs and inconvenience that would cause, be proportionate? It was felt by officers that this was not the case. In reaching this view officers had in mind the limited contribution such a review would make to the protection of public safety and the prevention of crime and disorder.
- 6.6 The applicant clearly has a different view and maintains that this incident is indicative of a wider threat to the two aforementioned licensing objectives. In this regard his pursuance of this matter could be seen as him acting in the public interest. He has indeed pursued this matter with some rigor and on several occasions complained to the Licensing team about the rate of progress or questioned why the matter was not progressing straight to a hearing. There appears to be a significant level of commitment on his part.
- 6.7 It could be seen however that this level of commitment is indicative of a motivation other than the wider public interest. Officers are of the view that the incidents on the 31st October and the 2nd November 2016, will have left Mr Norstrom with a sense of grievance over what had happened to him. It would be understandable if he felt a certain loss of face at being ejected from the club of which he is a member, in front of friends and other members. This sense of grievance may well have been heightened by having his membership of the club terminated. It is the view of officers that Mr Norstrom is motivated by a wish to bring the Club to account in some way for what happened to him and this representation is his way of doing it.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The ability to review a licence under the 2003 Act is a valuable tool in ensuring that the four licensing objectives are met. A review is no small matter and has potentially serious consequences for the business involved. Trafford

Council has taken premises to review in the past. Typically this has been where there has been evidence of serious crime and disorder associated with a premises or, for example, where a premises has a proven history of blatant supply of alcohol to those under age.

- 7.2 It is felt by officers and the police, who are the responsible authority most heavily involved in the protection of public safety and the prevention of crime and disorder, that a review is not warranted in these circumstances. It is the firm view of officers that the representation made by Mr Norstrom is vexatious, in that it is intended to cause aggravation or annoyance to the Club without sufficient cause or justification. For this reason officers recommend that the application is rejected.

App A



**TRAFFORD
COUNCIL**

**Application for the review of a premises licence or club premises certificate 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.

I Daniel Norstrom

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Hale Country Club 47 Clay Lane Hale Cheshire	
Post town Warrington	Post code (if known) WA15 7AF

Name of premises licence holder or club holding club premises certificate (if known) Hale Country Club on Behalf of Taylor Ventures Ltd.
--

Number of premises licence or club premises certificate (if known) PL 000667
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

X

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

Norstrom

First names

Daniel

I am 18 years old or over

Please tick ✓ yes
X

Current postal address if different from premises address

26 Ash Grove,
Bowden

Post town

Altrincham

Post Code

WA14 3EG

Daytime contact telephone number

07976 085250

E-mail address (optional)

dan@norstrom.co.uk

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

It is my firm belief that the holder of the premises licence has undermined the following licensing objectives due to the actions of their employees.

1. The Prevention of Crime and Disorder

2. Public Safety

Please provide as much information as possible to support the application (please read guidance note 3)

This application is made as a result of Mr Daniel Norstrom an ex-member of this establishment being physically assaulted by a security guard on the premises who was not identifiable and who, although apparently licensed, was not displaying his Security Industry Authority (SIA) licence (blue badge) in accordance with the requirements of Section 9 of the Private Security Industry Act 2001. It is further contended that the actions of this security guard clearly put the safety of the general public including other club members at risk.

The circumstances of this incident are as follows.

Mr Norstrom has been a member of Hale Country Club for four years. At the very end of October 2016 he attended the premises and on entering swiped his membership card through a card reader to gain admission. Although he has done this without any comment for a long time, on this occasion the receptionist asked him not to do it. He apologised to the receptionist and entered the premises. He was then approached by a member of staff known as Jeremy who asked him for his card in order that the matter could be reported to the venue's management team. Mr Norstrom willingly handed over his membership card not really thinking anything of the incident.

On the evening of 2nd November Mr Norstrom revisited the Club and on this occasion the receptionist swiped his card and allowed him admission. He entered the lounge area where he met his friend's mother. They engaged in conversation and Mr Norstrom told them about the incident with his card in October. Their conversation was overheard by a staff member who went over to another male who was not known to Mr Norstrom. This male was later identified as being a security operative who apparently was properly registered with the Security Industry Authority but who was not displaying his licence which is in breach of the Security Industry legislation. Mr Norstrom did not know who this person was though subsequently ascertained that his christian name was Lee (surname unknown).

Lee asked Mr Norstrom to accompany him to reception which he willingly did. When they arrived, Lee in a very aggressive manner told Mr Norstrom that he should not have spoken about the incident in October. Mr Norstrom found this most unusual but before he could actually say anything Lee told him to leave the premises. A brief conversation followed. Totally confused at this request Mr Norstrom asked to speak to the manager. It was at this point that Lee began to push Mr Norstrom in a very aggressive manner causing Mr Norstrom to drop his phone to the floor causing the screen to shatter.

Due to the violent behaviour of the male Lee, Mr Norstrom's friend intervened in an effort to get Lee off Mr Norstrom. Mr Norstrom was dragged by his clothing causing abrasion burns on his neck. Lee then attempted to put Mr Norstrom's arm up his back whereupon Mr Norstrom slapped Lee in the face to get him off.

It was only through a subsequent conversation with Mr Mark Gorton the head of security that it was ascertained that Lee was in fact a security officer who was properly registered with the Security Industry Authority but when Mr Gorton was asked why he was not displaying his blue badge (his SIA licence) he said that Lee was purely acting as a "Meeter and Greeter" and therefore did not need to display his badge. This is clearly incorrect as Lee was acting in a security capacity by trying to eject Mr Norstrom from the premises and therefore was legally compelled to comply with the security legislation.

At the start of the incident with Mr Norstrom, Lee did not identify himself as being employed as a security officer and owing to him failing to display his badge nobody, other than people who knew him personally, would have known who he was.

Although Mr Norstrom was clearly the aggrieved party in this incident the management of Hale

Country Club reported the matter to the police. Cheshire Police fully investigated the incident which included viewing CCTV footage and interviewing Mr Norstrom. The police were satisfied that Mr Norstrom had done nothing wrong and the matter was finalised as requiring no further action.

It is very disturbing and a threat to public safety that an unidentifiable employee is acting in a security capacity and physically manhandling people and causing them injury for apparently simply talking about the venue they are members of. This person known as Lee, if properly registered with the Security Industry Authority, is clearly acting in a most unreasonable and aggressive manner.

It is quite clear that the licensing objective of the Prevention of Crime and Disorder is being undermined by the management of Hale Country Club by allowing this male to act in a security capacity whilst clearly committing an offence under Security Industry Authority legislation. It is quite incredible that his own manager Mr Gorton allows him to do this claiming that he is not in fact a security officer but a "meeter and greeter" which shows a gross misunderstanding of the legislation which the venue's head of security is supposed to abide by. It also shows a lack of knowledge by the Designated Premises Supervisor of the Mandatory Condition in relation to door supervision.

Have you made an application for review relating to the premises before

Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year
+	+	+

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Paul Douglas

.....

Date 19th December 2016

.....

Capacity **Authorised Agent**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Mr Paul Douglas
Douglas Licensing NW
3 Malika Place
Ashton in Makerfield

Post town
Wigan

Post Code
WN4 0JP

Telephone number (if any) 07732 912546 01942 274437

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) enquiries@douglaslicensing.co.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

App B

Licensing Act 2003
Premises Licence
PL000667



Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Hale Country Club
Clay Lane, Hale, Altrincham, Cheshire, WA15 7AF

WHERE THE LICENCE IS TIME LIMITED, THE DATES

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE AND THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Recorded Music-Indoors	Monday to Sunday - 10:00 to 00:00 Seasonal Variations: - New Year's Eve – 06:30 to 02:00 (following day)
Alcohol - On the premises	Monday to Sunday - 10:00 to 00:00 Seasonal Variations: - New Year's Eve – 06:30 to 02:00 (following day)
Alcohol - Off the premises	Monday to Sunday - 10:00 to 00:00 Seasonal Variations: - New Year's Eve – 06:30 to 02:00 (following day)
Late Night Refreshment - Indoors	Monday to Sunday - 23:00 to 00:00 Seasonal Variations: - New Year's Eve - 06.30 to 02.00 (following day)

THE OPENING HOURS OF THE PREMISES

Seasonal Variations: - New Year's Eve – 06:30 to 02:30 (following day)
Monday to Friday - 06:30 to 00:30
Saturday and Sunday - 08:00 to 00:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES

The sale by retail of alcohol for consumption ON and OFF the premises.

Licensing Act 2003
Premises Licence
PL000667



Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE AVAILABLE) OF LICENCE HOLDER	
Hale Country Club Limited Hale Country Club, 47 Clay Lane, Timperley, Altrincham, WA15 7AF	0161 903 9587

REGISTERED NUMBER OF HOLDER, WHERE APPLICABLE (E.G. COMPANY NUMBER, CHARITY NUMBER)
5970110

NAME AND ADDRESS OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL
Mr Grant McCourt

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL
Licence No: PERS2332 Issued by : Cheshire East

ANNEXES

This licence shall be read in conjunction with plan reference PL000667.

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Licensing Act 2003

Premises Licence

PL000667



TRAFFORD
COUNCIL

3. Where the premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

ADDITIONAL MANDATORY CONDITIONS (28th May 2014)

4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

5. For the purposes of the condition set out in paragraph 1:

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$

Where

- (i) P is the permitted price
(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol

and

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

6. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest

Licensing Act 2003
Premises Licence
PL000667



penny.

7. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ADDITIONAL MANDATORY CONDITIONS (1st October 2014)

8. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purposes of encouraging the sale or supply of alcohol for consumption on the premises:
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason

Licensing Act 2003
Premises Licence
PL000667



of disability)

- 9 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 10 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
- (a) a holographic mark
- or
- (b) an ultraviolet feature
11. The responsible person must ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
- (i) beer or cider: ½ pint
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Annex 2 – Conditions Consistent with the Operating Schedule

1. Staff shall receive appropriate and adequate training with regard to the sale of alcohol to those under age and those who are intoxicated.
2. Escape routes and exits shall be kept unobstructed, in good order and free from trip hazards.

Licensing Act 2003
Premises Licence
PL000667



3. Anyone who appears to be under the age of 18 and who is attempting to buy alcohol shall be required to produce 'proof of age' before such sale is made.

Annex 3 – Conditions Attached After a Hearing of the Licensing Committee

1. Use of beer gardens or outside areas as outlined in red on the enclosed plan should not be permitted beyond the 23:00 hours.
2. Noise from music and associated sources (including DJs and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
4. There shall be placed at all exits from 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.
5. No fireworks or other pyrotechnics shall be used other than with the prior consent of the Licensing Authority.

Signature of Authorised Officer

App C

Levy, Graeme

From: Roberts, David - MAN <DavidNRoberts@eversheds.com>
Sent: 06 January 2017 15:36
To: Boyle, Joanne
Cc: Levy, Graeme
Subject: Application for Review - Hale Country Club

Dear Ms Boyle

We act for Hale Country Club ("the Club") and have been forwarded your email of the 20th December 2016 together with a copy of the application for a Review of the Premises Licence of the Club submitted on behalf of Mr Daniel Norstrom ("the Applicant").

It is our client's position that this application for Review should be rejected. Not only would we suggest that it is not necessary and not in the public interest, but also that the grounds upon which the Applicant has made the application should be rejected on the basis that they are frivolous or vexatious, pursuant to S.51(4)(b)(i) of the Licensing Act 2003.

Background

The Club is a luxury member's only club and an extremely well run venue. All members are required to adhere to the Clubs rules as part of their terms and conditions of membership.

The Club employs Front of House Officers on the premises who mainly work in the reception/bar areas and are present on the premises at all times when the Club is open. These members of staff are appropriately SIA licensed and are clearly identifiable to members as they wear a distinct uniform to identify themselves from other members of staff.

The Applicant had been a member of the Club since the 18th May 2012 until his membership was terminated in writing on 10th November 2016 following events that had occurred at the Club on the 31st October 2016 and the 2nd November 2016 (both referred to below).

31st October 2016

All members are required on entry to the Club to hand their membership card over to the receptionist so that the receptionist can swipe their card through a card reader. The entry protocol is a health and safety measure as it allows the Club to monitor the number of people on site at any time and enables it to account for everyone in the event of a fire. The entry protocol also serves as a security measure as it enables the receptionist to verify the member's identity before allowing them in. This entry system is managed from the receptionist's side of the desk and accordingly members are prohibited from leaning over and/or walking behind the reception desk to grant themselves access.

On 31st October 2016 on entering the Club the Applicant leant over the reception desk and swiped his own membership card. This was despite the fact there was a receptionist on duty at the time. The receptionist requested the Applicant refrain from doing this which he responded "I have done it before". The receptionist replied "you might have done it before but I am asking you not to do it". The Applicant then took a very sarcastic tone and replied with "oh sorry".

After the incident the Applicant was asked by one of the Front of House Officers not to do this again and was advised that if he did do this again he would receive a written warning. At the same time his membership card was requested to enable the incident to be reported to management.

2nd November 2016

The Applicant attended the Club on the 2nd November 2016. He was overheard by the duty manager discussing the incident which had occurred on 31st October 2016 in a very loud manner to a group of members in the Club bar area. He was making comments about how badly he had been treated and was generally disparaging about the employees of the Club. The duty manager knew that what the Applicant was saying was inaccurate and he asked the Club's on duty Front of House Officer, Lee Davies, to have a quiet word with the Applicant to ask him to refrain from making such comments.

Lee Davies approached the Applicant and requested he moved through to the reception area so that he could talk to him. The Applicant complied with this request and it was at this stage that he was asked to refrain from

discussing the incident on the 31st October 2016 in the manner he was. During this conversation the Applicant became aggressive towards Lee Davies. Lee Davies asked the Applicant to calm down but he refused to do so and stated he could say whatever he liked. As a result the Applicant was requested to leave the premises and report his complaint to the Club's General Manager. The Applicant tried to push past Lee Davies to re-enter the bar area a number of times but was blocked and ushered towards the door. At the same time two other members who had been with the Applicant became involved and one of them grabbed Lee Davies around the neck and at the same time the Applicant struck Lee Davies across the face. Following this the duty manager requested that the Applicant and the other two members leave the Club which they did.

Lee Davies reported the assault to Greater Manchester Police (Police Reference: 1923 02/11.16 Crime Number 208240B/16) on the 2nd November 2016. PC 3159 J Galliano GMP visited the Club on the 5th November 2016 and on reviewing the CCTV footage and speaking to Lee Davies, stated that he was happy with the actions taken by the Club personnel. He was informed that for the time being the Club did not wish to pursue the assault charge but Lee Davies would take direction from the Club management. PC Galliano stated that at this time he would inform the Applicant that the Club was dealing with the matter but confirmed he would be barred until further notice.

PC 9272 G Donley visited the Club on the 8th November 2016 and spoke to Lee Davies. PC Donley stated that the Applicant was pursuing an assault charge against him. On viewing the CCTV footage PC Donley was happy with the fact that Lee Davies was not the aggressor.

PC 9272 G Donley returned to the Club on the 13th November 2016 and informed Mark Gorton Security Manager that he had spoken to the Applicant and had informed him that the assault and criminal damage claim initiated by the Applicant would not be pursued by the police.

Summary

In the circumstances the Licensing Authority should reject the application for a Review of the Premises Licence on the following grounds:-

1. Following the incident on the 2nd November 2016 the police reviewed the CCTV and had no concerns in respect of how the matter was dealt with by the Club.
2. If the police had concerns in relation to the operation of the premises under the Crime and Disorder or Public Safety objectives they could have initiated their own enforcement proceedings against the Club which they have not done nor have they indicated at any time they were likely to do so.
3. The Front of House Officers and security management employed at the Club are all appropriately licensed by the SIA. Front of House Officers are all identifiable from other members of staff by their own distinct uniform. They have since been further reminded of the requirements to display their SIA licences.
4. The application is frivolous. The premises are well run and are operated in accordance with the Premises licence and the Club ensures that it upholds each of the licensing objectives. Furthermore no evidence has been submitted by the Applicant to the contrary.
5. The Applicant is using the Licensing Act 2003 and the Review process in a vexatious attempt to cause disruption to the Club in response to having his membership terminated. To proceed with the Review cannot be in the public interest.
6. If the Applicant has any dispute with our client arising out of the termination of his membership then it is a contractual dispute and should therefore be addressed to the appropriate tribunal, it is not a matter for consideration of the Licensing Committee.

We trust that this email assists, but if you have any further queries then please do not hesitate to come back to me.

In the meantime we look forward to receiving your confirmation that the Review Application will be rejected.

Yours sincerely

David Roberts

David Roberts | Principal Associate | Licensing

T: +44 161 831 8146
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*****[www.eversheds.com]*****

APP D

Levy, Graeme

Subject: FW: Application for Review Hale Country Club

From: Boyle, Joanne **On Behalf Of** Licensing
Sent: 20 December 2016 17:05
To: Levy, Graeme
Subject: FW: Application for Review Hale Country Club

FYI

From: Rachel.Nutsey@gmp.police.uk [<mailto:Rachel.Nutsey@gmp.police.uk>]
Sent: 20 December 2016 14:51
To: Licensing
Cc: Neil.Parkin@gmp.police.uk
Subject: RE: Application for Review Hale Country Club

Joanne

As requested I have reviewed the application and the information contained.

There are 18 incidents recorded against the location in 2016:

- Abusive calls / Threats - 3
- Assault – 6 (2 of which are below)
- Theft – 7
- Sus Circs – 1
- Concern for welfare – 1

FWIN 1923 2/11/16 refers to the first call

The incident mentioned was reported to Greater Manchester Police (not Cheshire Police) on 2/11/16 by Lee Davies who reported an assault on himself by 3 members. Two offenders were named in the application as Daniel Norstrom and t A crime for assault was submitted.

It does not appear that Mr Norstrom was not formally interviewed in the follow up enquiries the CCTV was not able to be viewed but the Security Manager and Victim Mr Davies stated they didn't want to pursue a complaint as the matter was dealt with in house. The offender was suspended pending the outcome of a club enquiry. It states the club would be keeping the CCTV footage should any counter allegations be made

FWIN 1069 7/11/16 refers to a counter allegation made by Mr Norstrom. A crime for assault was submitted. The officer investigating reviewed the CCTV whereby he states that it is clear the male (Mr Norstrom) was asked to leave several times before the guard actually attempts to push him out. The guard is assaulted by the friends in the process of getting Mr Norstrom to leave. Mr Norstrom was spoken to by GMP and he accepted he should have left the club when asked as he was lawfully being ejected. Damage to the phone was accidental and no crime was submitted for this. The crime was filed as no further action against any party involved.

If you require any further regarding the location or for us to review the assaults please let me know

Rachel

Sergeant 9828 Rachel Nutsey
Safer Trafford Integrated Partnership Team
Stretford Police Station

Trafford
Greater Manchester
Tel: 0161 856 8676
Mobile: 07500 033288

****NOT PROTECTIVELY MARKED****

From: Boyle, Joanne [<mailto:Joanne.Boyle@trafford.gov.uk>] **On Behalf Of** Licensing
Sent: 20 December 2016 13:05
To: Rachel Nutsey
Subject: FW: Application for Review Hale Country Club

Rachel

Further to our conversation today, please find attached copy of an application for review of the premises licence held for Hale Country Club.

I have not accepted the application yet, as I wish to gather any relevant evidence before determining if a review is necessary.

Would you be able to advise me if you have any record of the alleged incident and any other relevant information.

Many Thanks

Joanne Boyle

Joanne Boyle
Licensing Team Leader
Trafford Council
Talbot Road
Stretford
M32 0TH
0161 912 4129

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App E

Levy, Graeme

From: Boyle, Joanne
Sent: 27 January 2017 09:41
To: Levy, Graeme; Jones, Mark
Subject: FW: Hale Country Club

FYI

This is in response to my questions to the club:

Was Mr Davies licensed at the time of the incident?
Was he wearing his badge?
What is his role at the club?

Joanne Boyle

Joanne Boyle
Licensing Team Leader
Trafford Council
Talbot Road
Stretford
M32 0TH
0161 912 4129

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From: Roberts, David - MAN [mailto:DavidNRoberts@eversheds.com]
Sent: 26 January 2017 19:02
To: Boyle, Joanne
Subject: Hale Country Club

Dear Joanne

Further to your email I have now taken my client's instructions and I am able to provide more information regarding the role which is undertaken by Mr Davies.

1. Mr Davies was registered with SIA at the time of the incident.
2. Mr Davies was wearing the 'distinct uniform' that identified him as a member of staff. Front of House Officers have their own uniform which distinguishes them and this is different to other staff uniforms.
3. Mr Davies is employed as one of three Front of House Officers at Hale Country Club. The role requires these members of staff to support the reception team, provide a key role in meeting and greeting members, assisting members with their bags, walking members to their cars in the dark and providing them with cover under an umbrella when it is raining etc. The general concierge services offered by Front of House Officers are intended to help the club achieve its aim of providing its

members with the levels of customer care and experience that is expected of a high end luxury health club.

The Front of House officers also carry out the following activities:-

- (i) greet all contractors that are working on site, check they have the requisite access/work sheets and escort them to the area of the building where they are completing their work;
- (ii) monitor the alarm systems and lead any evacuation process in the unlikely event one is required;
- (iii) provide first aid assistance where required and appropriate to do so;
- (iv) help ensure the safety and welfare of all staff, members and visitors who are on the premises;
- (v) lead communications with the emergency services in case of an emergency.

Whilst all Front of House Officers are licensed by SIA we are advised that the day to day nature of their role is such that the provision of SIA licensable activities is limited. For example, the nature of the venue and its clientele is such that it is not anticipated that Front of House Officers would normally be required to guard against outbreaks of disorder but clearly if such an incident did occur then they are licensed to deal with it. Indeed the incident with Mr Nortstrom is the only incident where there has been a physical altercation involving a Front of House Officer and the applicant is the only member to have ever raised a formal complaint about one of our client's Front of House team.

Mr Davies had his SIA Licence on his person and available for presentation at the time of the incident, (Mr Norstrom did not ask to see the licence at the time of the incident), however it is not accepted that this role necessarily requires the display of an SIA licence in any event. We would also suggest that the display of SIA licences is a matter for the SIA or the police and not for the Licensing Authority.

I trust that this summary assists, but if you have any further queries then please do not hesitate to come back to me. As stated in our email of 06 January, Lee Davies reported this incident to the police (Crime Number 208240B/16) and after reviewing the CCTV footage of the incident and speaking to the individuals involved, the police confirmed they were happy with how the Club handled the situation.

I note that this matter will be passed over to the Sub Licensing Committee for consideration and my client's understands this position. We would however suggest that the consideration of whether the review application should be allowed to proceed can be dealt with at a private meeting of the Subcommittee and does not have to be considered before a public hearing.

Kind regards

David

David Roberts | Principal Associate | Licensing

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