



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

Date: Tuesday, 26 March 2019

Time: 6.00 pm

**Place: Council Chamber, Trafford Town Hall, Talbot Road, Stretford,
Manchester, M32 0TH**

A G E N D A

PART I

Pages

**3. APPLICATION TO VARY A PREMISES LICENCE UNDER S34 OF THE
LICENSING ACT 2003 - CARTERS ARMS, 367 NORTHENDEN ROAD,
SALE M33 2PG**

To consider the report of The Head of Regulatory Services.

1 - 38

SARA TODD
Chief Executive

Membership of the Committee

Councillors A. Duffield, S. Thomas and M. Whetton.

Further Information

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

Mrs Ruth Worsley, Democratic & Scrutiny Officer
Tel: 0161 912 2798
Email: ruth.worsley@trafford.gov.uk

This agenda was issued on **Tuesday, 19 March 2019** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

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TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 26th March 2019
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION TO VARY A PREMISES LICENCE UNDER S34 OF THE LICENSING ACT 2003

Summary

Under S35 of the Licensing Act 2003, Members are requested to determine an application for a full variation to a premises licence in respect of **Carters Arms, 367 Northenden Road, Sale, Cheshire, M33 2PG** having regard to representations received and the requirement to promote the four licensing objectives.

Recommendation(s)

Having regard to the representations, the Licensing Sub-Committee may take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are;

- (i) to modify the conditions of the licence;
- (ii) to reject the whole or part of the application;

For this purpose the conditions of the licence are modified if any condition is altered or omitted, or any new conditions is added.

Contact person for access to background papers and further information:

Name: Keiran Hinchliffe, Senior Licensing Officer.
Extension: 2593

Background Papers: None.

Appendices: A) Application to vary a premises licence.
B) Current Premises Licence.
C) Representations received.
D) Amendment to application following correspondence with Environmental Health Officer.

1.0 APPLICATION

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

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

This application was submitted by John Gaunt & Partners on behalf of Marston's PLC, in respect of Carters Arms, 367 Northenden Road, Sale M33 2PG.

2.1 The variation applied for is as follows:

These premises have the benefit of premises licence PL000012, which contains a condition imposed prior to the smoking restrictions:

- "Use of beer garden or outside area should not be permitted beyond 21:00 or dusk (whichever is sooner)"

The application seeks to amend the condition to the following wording:

- Customers shall not be permitted to consume alcohol in external areas after 22:00

The proposal is therefore principally (i) to remove reference to 'dusk' in order to be more precise and unambiguous as to the terminal hour throughout the year, (ii) to allow alcohol to be consumed in external areas until 22:00, which is still moderate and reasonable in respect of a terminal hour and (iii) to clarify that smokers can use the external areas when required.

It is not anticipated the proposed change would have an adverse impact on the licensing objectives and the operating schedule has been completed on that basis.

In that no change is proposed to the licensable activities of licensed hours, Boxes A – J have not been completed.

Please note that there is no intention to change the layout at these premises and therefore no plans are included.

2.2 The application has been properly made and all procedures correctly followed. The application has been attached as **Appendix A**.

3.0 BACKGROUND AND HISTORY OF PREMISES

3.1 The premises is currently licensed. There has been a fairly recent change to the Designated Premises Supervisor in November 2018. The current Premises Licence is attached as **Appendix B**.

4.0 OPERATING SCHEDULE

- 4.1 The operating schedule is completed by the applicant and contains additional measures to illustrate how they propose to promote the four licensing objectives as required by provision of the Licensing Act 2003.

The measures proposed in the application and subsequent amendment by the applicant are listed in paragraphs 4.2 to 4.6 (inclusive) and will be attached as conditions to any licence as may be granted, where this is either an enforceable condition or does not repeat a provision of any other legislation. Conditions have been highlighted in bold italics for the avoidance of doubt.

Anything in non-italics is a direct quote from the application and will not form conditions on any licence. The proposed conditions (in bold italics) have been re-worded in accordance with the Council's Statement of Licensing Policy so as to ensure they are enforceable.

4.2 The prevention of crime and disorder

No new steps have been identified which need to be addressed.

4.3 Public safety

No new steps have been identified which need to be addressed.

4.4 The prevention of public nuisance

No new steps have been identified which need to be addressed.

4.5 The protection of children from harm

No new steps have been identified which need to be addressed.

5.0 STATEMENT OF LICENSING POLICY

- 5.1 The following extracts from the Council's statement of licensing policy are brought to the general attention of members:

- 5.2 (1.8) Every application considered by the Council under this policy will be considered on its merits, and regard will be given to the Guidance issued under Section 182 of the Licensing Act 2003 and any supporting regulations..

- 5.3 (1.9) Nothing in the policy will undermine the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Appropriate weight will be given to all relevant representations. This will not include those that are frivolous, vexatious or repetitious.

- 5.4 (1.12) The licensing process can only seek to control those measures within the control of the licensee, and 'in the vicinity' of a premises. The conditions

attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:

- Matters within the control of individual licensees and others who are granted any relevant authorisations;
- The premises and places being used for licensable activities and their vicinity; and
- The direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

5.5 (5.6) When considering applications for later closing times in respect of premises licences, where relevant representations have been made, the Council will take the following into consideration in accordance with Government Guidance:

- Whether the premises is located in a predominately commercial area
- The nature of the proposed activities to be provided at the premises
- Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
- Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents
- Whether operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance
- Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
- Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it
- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a responsible authority or interested party that identify the premises as a focus for disorder and disturbance.

5.6 (5.8) As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure that disturbance to local residents is minimised. The Council considers that it is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2 a.m. than at 11 p.m. It is, therefore, the policy of the Council to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. In predominantly residential areas, therefore, it may not be appropriate to allow closing times later than midnight. It may be acceptable to open later on a limited number of occasions, for example up to 15 times a year. This would allow licensees to extend opening beyond midnight for special occasions such as New Year. However, every application will be determined on its merits, and applicants wishing to operate beyond midnight will need to demonstrate to the satisfaction of the Council, in their operating schedule, that there will be no significant disturbance to members of the public living, working or otherwise engaged in

normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of “prevention of public nuisance”.

5.7 (6.4) 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 crime and disorder. Such measures may include:

- The capability of the person who is in charge of the premises during trading hours or when Regulated Entertainment is provided to effectively and responsibly manage and supervise the premises, including associated open areas
- The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder, and where appropriate any relevant qualifications.
- The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises
- The features currently in place or planned for physical security at the premises, such as lighting outside the premises
- Policies adopted to meet appropriate best practice in accordance with existing guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice, e.g. British Beer and Pub Association Partnerships Initiative.
- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.

5.8 (6.7) Where additional measures have been identified as likely to have an impact on the prevention of crime and disorder at any premises, the Council would expect applicants to detail such measures to be taken in their operating schedules. Such measures may include:

- Provision of effective CCTV with recording facilities both within and outside certain premises
- Crime prevention design, including adequate lighting and supervision of car parks
- Metal detection and search facilities
- Procedures for risk assessing promotions and events such as ‘happy hours’ for the potential to cause crime and disorder, and plans for minimising such risks
- Measures to prevent the use or supply of illegal drugs
- Employment of Security Industry Authority licensed door supervisors and other appropriately trained staff
- Participation in an appropriate Pubwatch Scheme or other similar scheme
- Promotion of safe drinking
- The control of glass and the provision of plastic containers or toughened glass
- Use of radio net system (where available)
- Provisions for dealing with prostitution or indecency

- Provisions for discouraging drinking in public places in the vicinity of the premises
 - Policies on dress and music
 - Appropriate additional staff training.
- 5.9** (6.8) All premises applying for licensing beyond 00:00hrs must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.
- 5.10** (6.10) Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.
- 5.11** (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 in 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.

- 5.12** (11.7) Standardised conditions will be avoided, although ‘pools of conditions’ will be used from which necessary and proportionate conditions may be drawn in particular circumstances.
- 5.13** (11.8) Conditions attached to licenses and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.
- 5.14** (11.9) Conditions will not be imposed which are beyond the responsibility or control of the licence holder.
- 5.15** (14.1) “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a Town Centre of a large concentration of licensed premises in that part of the local authority licensing area. In certain circumstances the number, type and density of premises selling alcohol for consumption on the premises may be such that there are serious problems of nuisance and disorder arising or beginning to arise outside or some distance from licensed premises. It is possible that the impact on surrounding areas of the behavior of the customers of all premises taken together is greater in these circumstances than the usual impact from customers of individual premises.
- 5.16** (14.4) When such a special saturation policy is adopted, each application will still be considered properly and on their own individual merit, and licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives will be granted. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Council will consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. It will be for the Council to show that the grant of the application would undermine the promotion of one of the licensing objectives and if it would, that necessary conditions would be ineffective in preventing the problems involved.
- 5.17** (14.5) In considering such applications the Committee will have particular regard to:
- The occupancy figure for the proposed premises.
 - The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises.
 - Whether the proposed premises will act as a replacement for others in the Area that no longer have a licence.
 - The proposed methods of management outlined in the applicant’s operational plan.
 - The proposed hours of operation.
 - Transport provision for the Area.

6.0 CONSULTATION

- 6.1** All responsible authorities have been consulted. The responsible authorities are; Licensing, Greater Manchester Police, Greater Manchester Fire & Rescue,

Environmental Health & Pollution Control, Health and Safety Team, Home Office Immigration Enforcement, Planning Department, Safeguarding Children Team, Trading Standards and Public Health.

- 6.2** There have been two valid representations from other persons. Both of these representations are concerned with the nuisance associated to the external area including car park. The representations in full have been attached as **Appendix C**.
- 6.3** One Representation was submitted by a Responsible Authority of Pollution Control. This representation was satisfied with a proposed amendment to the application as follows:
- 6.4** “Customers should not be permitted to use the beer garden / outside area beyond 21:00hrs except for the purposes of smoking, however, no food or drink shall be taken into the area after 21:00hrs.”
A copy of this correspondence between Environmental Health Officer and the Applicants Solicitors is included as **Appendix D**.
- 6.5** A copy of the report and all representations received have been sent to the applicant.
- 6.6** Those that have made representations have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.

7.0 LEGAL CONSIDERATIONS

- 7.1** Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.
- 7.2** There is a right of appeal to the Magistrates Court by any party aggrieved by the decision of the Licensing Sub-Committee.

Application to vary a premises licence 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 Marston's PLC being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

PL000012



Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Carters Arms, 367 Northenden Road

Post town
Sale

Post code
M33 2PG

Telephone number of premises (if any)

Non-domestic rateable value of premises

£19,000 (band B)

Part 2 – Applicant Details

Daytime contact telephone number

01902 711300

Email address
(optional)

Current postal
address if
different from
premises address

Marston's House, Brewery Road

Post Town

Wolverhampton

Postcode

WV1 4JT

Part 3 – Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick π yes

If not do you want the variation to take effect from

Day Month Year

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If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see Guidance Note 1)

yes no

Please describe briefly the nature of the proposed variation (please read guidance note 2)

These premises have the benefit of premises licence PL000012, which contains a condition imposed prior to the smoking restrictions stating:

- *"Use of beer garden or outside area should not be permitted beyond 21:00 or dusk (whichever is sooner)"*

The application seeks to amend the condition to the following wording:

- *Customers shall not be permitted to consume alcohol in external areas after 22:00*

The proposal is therefore principally (i) to remove reference to 'dusk' in order to be more precise and unambiguous as to the terminal hour throughout the year, (ii) to allow alcohol to be consumed in external areas until 22.00, which is still moderate and reasonable in respect of a terminal hour and (iii) to clarify that smokers can use the external areas when required.

It is not anticipated the proposed change would have an adverse impact on the licensing objectives and the operating schedule has been completed on that basis.

In that no change is proposed to the licensable activities or licensed hours, Boxes A – J have not been completed.

Please note that there is no intention to change the layout at these premises and therefore no plans are included.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick π yes

Provision of regulated entertainment (Please see guidance note 3)

- 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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			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 (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Fri					
Sat					
Sun					
			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 (please read guidance note 7)		

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed					
Thur			State any seasonal variations for the performance of dance (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 {Y} (please read guidance note 4).	Indoors	
Mon				Please give further details here (please read guidance note 5)	Outdoors
Tue			Both		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of 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 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Fri					
Sat			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 (please read guidance note 7)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 9)	On the premises	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both	
Tue					
Wed					
Thur			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 (please read guidance note 7)		
Fri					
Sat					
Sun					

K

<p>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 10)</p> <p>None.</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 6) As existing
Day	Start	Finish	
Mon	As existing	As existing	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) As existing
Tue	As existing	As existing	
Wed	As existing	As existing	
Thur	As existing	As existing	
Fri	As existing	As existing	
Sat	As existing	As existing	
Sun	As existing	As existing	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

See Part 3 above.

Please tick π yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

The original Premises Licence is currently with the Licensing Authority in respect of a DPS change application.

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Licensing Act 2003

Premises Licence

PL000012



TRAFFORD
COUNCIL

Part 1 – Premises Details

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

Carter's Arms

367 Northenden Road, Sale, Cheshire, M33 2PG

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

Films - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Indoor Sports - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Live Music - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Recorded Music - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Dance - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Facilities – Music - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Licensing Act 2003

Premises Licence

PL000012



TRAFFORD
COUNCIL

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

Facilities – Dance - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Alcohol - On the premises	Sunday - 11:00 to 00:00 Christmas Day - 11:00 to 23:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
---------------------------	---

Alcohol - Off the premises	Sunday - 11:00 to 00:00 Christmas Day - 11:00 to 23:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
----------------------------	---

Late Night Refreshments- Indoors	Sunday - 23:00 to 00:00 Friday to Saturday - 23:00 to 01:00 Monday to Thursday - 23:00 to 00:00
-------------------------------------	---

THE OPENING HOURS OF THE PREMISES

Sunday - 11:00 to 00:30
Christmas Day - 11:00 to 23:30
Friday to Saturday - 10:00 to 01:30
Monday to Thursday - 10:00 to 00:30

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

The sale of alcohol for consumption ON & OFF the premises.

Licensing Act 2003

Premises Licence

PL000012



TRAFFORD
COUNCIL

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE AVAILABLE) OF LICENCE HOLDER

Marston's PLC
Marston House, Brewery Road, Wolverhampton, WV1 4JT

01902 711300

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

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Nichola Sarah Waite
69 Ellesmere Street, Swinton, M27 0JT

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Licence No: 143170

Issued by : Salford

ANNEXES

These conditions should be read in conjunction with PLAN referenced PL000012
Annex 1 – Mandatory Conditions

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.



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)

1. 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.
2. 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.

3. 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 penny.



4. (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)

5. (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 of disability)
6. The responsible person must ensure that free potable water is provided on request to

customers where it is reasonably available.

7. (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
8. 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. For premises where entertainment takes place on a regular basis, music and associated sources (including DJ's and amplified voices) should generally not be audible inside noise sensitive proper ties at any time. Where entertainment takes place less frequently, such noise should generally not be audible inside noise sensitive properties between 23:00 and 07:00 hours. Use of beer gardens or outside areas should not be permitted beyond 21:00 or dusk (whichever is sooner).

2. There shall be placed at all exits from the premises in a place where they can be seen and

Licensing Act 2003

Premises Licence

PL000012



easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. Any person exercising a security activity (as defined by a paragraph 2(1)(a) of the Private Security Act 2001 shall be licensed by the Security Industry Authority. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence.

3. Any person will clearly display his name badge at all times whilst on duty.

4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.

5. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available with a reasonable time upon request by the police.

6. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

7. To comply with the reasonable requirements of the Fire Officer from time to time.

8. To comply with the reasonable requirements of the Building Officer from time to time

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

None

Signature of Authorised Officer

Licensing Act 2003

Premises Licence Summary

PL000012



TRAFFORD
COUNCIL

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

Carter's Arms

367 Northenden Road, Sale, Cheshire, M33 2PG

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

Films - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Indoor Sports - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Live Music - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Recorded Music - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
--------------------------	---

Dance - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
-----------------	---

Facilities - Music - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Facilities – Dance - Indoors	Sunday - 11:00 to 00:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
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Licensing Act 2003

Premises Licence Summary

PL000012



TRAFFORD
COUNCIL

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

Alcohol - On the premises	Sunday - 11:00 to 00:00 Christmas Day - 11:00 to 23:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
---------------------------	---

Alcohol - Off the premises	Sunday - 11:00 to 00:00 Christmas Day - 11:00 to 23:00 Friday to Saturday - 10:00 to 01:00 Monday to Thursday - 10:00 to 00:00
----------------------------	---

THE OPENING HOURS OF THE PREMISES

Sunday - 11:00 to 00:30
Christmas Day - 11:00 to 23:30
Friday to Saturday - 10:00 to 01:30
Monday to Thursday - 10:00 to 00:30

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

The sale of alcohol for consumption ON & OFF the premises.

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE AVAILABLE) OF LICENCE HOLDER

Marston's PLC Marston House, Brewery Road, Wolverhampton, WV1 4JT	01902 711300
--	--------------

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

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Nichola Sarah Waite

Licensing Act 2003

Premises Licence Summary

PL000012



PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Licence No: 143170

Issued by : Salford

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No restrictions.

Signature of Authorised Officer



Mrs Julie Ledger
 349 Northenden Road
 Sale
 M33 2PG
 AND
 Ms Christine McCleave
 347 Northenden Road
 Sale
 M33 2PG

19th February 2019

Re: Variation in Licence for The Carters Arms 367 Northenden Road
Sale M33 2PG

Dear Sir/Madam

I am writing on behalf of myself and my neighbour Christine McCleave to raise an objection to the proposed variation in the licence for the Carters Arms pub.

I have lived at 349 Northenden Road for five years and Christine has lived in her home for almost two years.

I have for the past five years and Christine for the past two years been blighted by the antisocial behaviour both from the front of the pub (on Northenden Road) and at the back of the pub (car park) and we are concerned that if you allow a variation in the licence this will increase.

I will list our points below, all of which have been observed on many occasions.

- People drinking, taking and selling drugs outside at the back of the pub. This behaviour happens daily from late afternoon/early evening and has on many, many occasions continued until well after midnight.
- As the drinking continues so does the accompanying foul and disgusting language, shouting and arguing during the Spring and Summer evenings.
- Music is often been played loudly from cars whilst the owners sit and have drinks at the back of the pub, again this can happen until after midnight/into the early hours
- Cars using the car park as a racing circuit with cars screeching up and down the car park until very late
- Cocaine being 'dealt' in the car park and then openly snorted at the front, side and back of the pub by many individuals who drink in there (even during the day)
- Cannabis dealing in the car park
- Nitrous Oxide cannisters being used in the car park by people drinking in the pub – many canisters have been thrown over my wall/left outside my back gate/behind the garages and along the gable end of my house.

As we both live alone this kind of behaviour has caused us great stress and anxiety even when we are in our own homes. There is also an increased feeling of vulnerability when returning home from work in the evening, when individuals have been drinking excessively and using drugs

I would also like to draw your attention to the fact that the pub now stays open until 01.30am on Fridays and Saturdays, previously the pub always shut at 11pm (with the last Landlord)

Why have we not been notified of this?

We are sick and tired of being woken up by people shouting or arguing outside the front and back of our houses when they are leaving the Carters and waiting for taxis, this can be anytime between 01.15 and 02.00, indeed when a car crashed into the Carters during the early hours of 19th January 2019, I saw approximately forty people come out of the front door of the pub at 01.45.

Both Christine and I work some weekends and are experiencing disturbed sleep due to this – this really is not acceptable.

I am a Nurse and may have to recalculate drugs when dealing with patients the next day, as I'm sure you can appreciate a proper nights sleep is essential to my role.

I understand that the Carters has a new Landlord since mid November 2018.

It is very, very early days for a new pub Landlord to get to grips with the drug and antisocial issues that the Carters is notoriously known for. He has yet to experience a Spring/Summer there, with this in mind we would like you to postpone this variation for now, see how this year goes and then perhaps review it again next year?

We would also ask you to reconsider the current Friday/Saturday nights opening hours due to the Carters being located in a residential area and surrounded by houses. It is not in the centre of Sale where one can expect pubs to stay open longer.

Can we please request that our identities are kept confidential with regard to this matter?

Many thanks

Yours Sincerely

Mrs Pauline G Tracey
& Mr Philip King
12A Poolcroft
Sale
M33 2LF

RECEIVED

22 FEB 2019

21st February 2019

Dear Sir / Madam

Variation of Licence PL000012 / Personal Licence No:143170
Carter's Arms, 367 Northenden Road, Sale, Cheshire. M33 2PG

refer to the above application for Variation of Licence to allow customers to consume alcohol in the external areas of the pub, ie. Proposal to amend the current external Conditions in Annex 2 to state:-

"Customers shall not be permitted to consume alcohol in external areas after 22:00"

The existing Licence Condition presently states customers are permitted to consume alcohol until 11:00 hours or dusk, whichever comes first, which we strongly feel should remain in place for the following reasons:-

1. Unsociable behaviour occurring in the external areas of the pub. This is a residential area.
2. Nitrous oxide canisters found in our garden, close to our boundary fence. Thrown from the external area of the pub, as well as people smoking near to our fence.
3. The existing Licence was abused by the previous Landlord for several hours after 9pm or dusk Condition, especially at weekends, people still outside drinking in the early hours.
4. There have been incidences of vehicles entering the pub car park at excessive speed and skidding to a halt, which is unnerving as there is only a wooden fence that divides the boundary between ourselves and the pub. Our concerns have been heightened recently following a crash at the pub when a car attempted to enter the car park and smashed into the side of the pub at 1:45 in the morning.

We have also just learnt and find it shocking that on a Friday and Saturday the Licence for the pub indoors is until 1:30 am, particularly as the pub is surrounded by residential property and not in a town or city. How was this agreed as we never received any notification regarding this change?

We feel the current Licence should stay in place and see how things go over the Spring/Summer as the past has shown there's more activity and unsociable behaviour during this period.

This is a new Landlord with no knowledge, as far as we know, of the past problems.

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Hinchliffe, Keiran

From: Patrick Robson <PRobson@john-gaunt.co.uk>
Sent: 21 February 2019 09:28
To: Ali, Nasreen
Cc: Licensing
Subject: RE: MAJOR Variation Application - PL000012, Carters Arms at 367 Northenden Road, Sale

Categories: Licensing Act 2003 - North

Nasreen

Having taken instructions from my client they agree to your proposal to restrict use of the area to 21.00 except by smokers. The following wording is therefore agreed (I have slightly changed it but not in a material way):

- *"Customers should not be permitted to use the beer garden / outside area beyond 21.00 except for the purposes of smoking, however, no food or drink shall be taken into the area after 21.00."*

Can you kindly confirm by return (copying in licensing) whether you are happy with the above.

Kind Regards

Patrick Robson
Associate

PRobson@john-gaunt.co.uk | www.john-gaunt.co.uk
T: 0114 266 8664 | M: 07841 451 440 | F: 0114 267 9613



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

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From: Patrick Robson
Sent: 20 February 2019 12:25
To: 'Ali, Nasreen' <Nasreen.Ali@trafford.gov.uk>
Cc: Licensing <licensing@trafford.gov.uk>
Subject: RE: MAJOR Variation Application - PL000012, Carters Arms at 367 Northenden Road, Sale

Nasreen

Thank you – I will seek instructions from my client and revert as soon as possible.

Kind Regards

Patrick Robson
Associate



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

Premises Licences | Personal Licences | DPS Changes | Temporary Event Notices
APLH Courses | Reviews | Due Diligence | Betting and Gaming | eLearningPlus

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From: Ali, Nasreen [<mailto:Nasreen.Ali@trafford.gov.uk>]
Sent: 20 February 2019 11:36
To: Patrick Robson <PRObson@john-gaunt.co.uk>
Cc: Licensing <licensing@trafford.gov.uk>
Subject: MAJOR Variation Application - PL000012, Carters Arms at 367 Northenden Road, Sale

Dear Patrick,

Thank you for your time earlier to discuss the above application. Attached are my comments and I would appreciate it if you could confirm, by copying Licensing into your response, whether the applicant agrees or otherwise with the proposed condition.

Kind Regards

Nasreen

Nasreen Ali
Environmental Health Officer
Pollution and Housing Team
Regulatory Services
Trafford Council,
Trafford Town Hall,
Talbot Road,
Stretford
M32 0YJ

Tel: 0161-912-4026
E-mail: nasreen.ali@trafford.gov.uk

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Associates: Paul Henocq | Patrick Robson
Consultants: John Gaunt | Katharine Redford
Practice Manager: Jonathan Pupius

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From: Pollution and Licensing**To:** Licensing Manager**FAO:****Ref:** NFA/162558**Ref:****Tel** 0161 912 4026**Date:** 19 March 2019**Ext:**

If telephoning please ask Miss N Ali
for:

Subject: Carters Arms, 367 Northenden Road, Sale

The major variation application relating to the premises licence PL000012 at the Carters Arms, 367 Northenden Road, Sale, seeks to vary the condition:

- 'Use of beer garden or outside area should not be permitted beyond 21.00 or dusk (whichever is sooner)'

to the following condition:

- 'Customers shall not be permitted to consume alcohol in external areas after 22.00'.

The application site is in close proximity to a number of residential properties which have been known to be affected by noise from the Carters Arms, especially later in the evening and at times when external events have taken place. In particular, noise complaints relating to music and patrons have been received by the Pollution Section.

The public house is surrounded by a number of residential premises which overlook and have a direct line of sight to the public house, including the rear beer garden/outside area.

In view of the complaints received, the close proximity of residential premises to the site and the licensing objective of the prevention of public nuisance, the Pollution Section object to the variation of the proposed condition. Variation of this condition would allow patrons to use the external areas up until 22.00 resulting in local residents being subjected to noise from the extended use of the beer garden/outside area for longer periods of time at more sensitive times of the night.

The Pollution Section is however amenable to amending the condition to allow some flexibility as follows:

Use of beer garden/outside area should not be permitted beyond 2100 hours. (the area can be used for smoking beyond 2100 hours however no food or drink shall be taken into the area after 2100 hours)

N Ali

N.Ali
Environmental Health Officer

