

LICENSING SUB-COMMITTEE

3 NOVEMBER 2021

PRESENT

Councillor D. Jarman (in the Chair).
Councillors D. Butt and S. Thomas

In attendance

L. Grimshaw – Lawyer,
K. Armstrong – Licensing Officer,
C. Whittle – Regulatory Services Manager (Trading Standards & Licensing),
N. Owen – Governance Officer.

7. APPLICATION FOR THE GRANT OF A FULL VARIATION TO A PREMISE LICENCE UNDER S34 LICENSING ACT 2003 AT PEOPLE, 183 ASHLEY ROAD, HALE, WA15 9SD.

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a full variation to a premises licence for Karam Restaurant, 183 Ashley Road, Hale, WA15 9SD which had attracted representations from local residents, a Ward Councillor and Environmental Health & Pollution Control. All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Mr. A. Kedrani and Mr. A. Karim, Middle Eastern Ltd. Representations were made against the application by Ms N. Ali from Trafford Council's Environmental Health section, local residents Mr. J. Kijowski and Ms C. Livesey and Councillor Mrs, Young, a Ward Councillor.

RESOLVED –

- 1) That the application by Middle Eastern Ltd for the grant of a full variation to a premises licence for Karam Restaurant, 183 Ashley Road, Hale, WA15 9SD be granted subject to compliance with the conditions outlined in the decision notice.
- 2) That the issue of the Licence be delegated to the Head of Regulatory Services.

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub Committee Members: Councillor D. Jarman (Chairperson)
Councillor D. Butt
Councillor S. Thomas

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- Applicant:** Middle Eastern LTD, 9 Portland Street, Manchester, M1 3BE
- Type of Licence:** Grant of a full variation to a Premises Licence: Karam Restaurant, 183 Ashley Road, Hale, WA15 9SD
- Representors:** Environmental Health – in attendance
Ms N Ali
- Ward Councillor – in attendance
Councillor Mrs. P Young
- Local residents – in attendance
Mr. J. Kijowski
Ms C Livesey
Mrs. J. Rose
- Local Residents – not in attendance
Mrs. J. MacDermott
Ms A. Slipper
Mr. D. Allen
Mr. P. Carr
Ms S Creme
- Parties Present:** On behalf of Applicant – in attendance
Mr. A. Kedrani, Operation Manager Middle Eastern LTD
Mr. A. Karim, Middle Eastern LTD
- Officers
Lisa Grimshaw – Lawyer
Katie Armstrong – Licensing Officer
Clare Whittle – Regulatory Services Manager (Trading Standards & Licensing)
Natalie Owen – Governance Officer
- Date of Hearing:** 03 November 2021
Time Commence: 6.35 p.m.
Time Terminated: 9.10 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee decided that the representations received from Environmental Health, a Ward Councillor and local residents were relevant representations so far as they related to public nuisance.

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To grant a variation of the premises licence as follows:-

The name of the premises as shown on the premises licence be changed to People Hale.

The name of the Designated Premises Supervisor as shown on the premises licence be changed to Mr. G. Verak

Opening Hours

| | |
|---------------------------|---------------|
| Monday – Saturday | 09:00 – 00:00 |
| Sundays and Bank Holidays | 10:00 – 00:00 |

Licensable Hours

Monday – Sunday 11:00 – 00:00

CONDITIONS

Any mandatory conditions which must be included under the Licensing Act 2003.

ADDITIONAL CONDITIONS

1. CCTV recorded images will be retained for 31 days and will be available to the Police upon request.
2. All emergency exits shall be maintained regularly, all exits shall be unlocked and clear at all times, both inside and out.
3. Children will only be permitted into the premises when accompanied by an adult between the times of 10.00am and 10.00pm.
4. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for ingress and egress to the premises.
5. For premises where entertainment takes place on a regular basis, music and associated sources (including DJs and amplified voices should generally not be audible inside noise sensitive properties at any time. Where entertainment takes place less frequently, such noise should not be audible inside noise sensitive properties between 23.00 and 07.00 hours.
6. The Licensee and representative of local residents will attend a meeting at the request of either party to discuss any issues. Minutes of the meeting to be taken by the Licensee and signed by both parties with a copy sent to the Council.
7. Any live music played at the premises will be restricted to no more than two musicians and will cease at 22.00 with the exception of New Year's Eve when the terminal hour will be 24.00.

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8. No recorded music to be played at the premises. (Note: This condition is not intended to prevent the playing of incidental music in the premises).
9. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or a member and their guests) notices requiring customers to leave the premises and the area quietly. (Note: this may also include a reference to vehicles).
10. A sign shall be permanently displayed at the exits requesting that patrons to exit only via the entrance on Ashley Road after the specified times.
11. By nominating a dedicated taxi service the licence holder shall use all reasonable endeavours to operate in the following manner: encourage patrons to use the nominated service drivers shall be instructed not to use their horns staff shall liaise with the taxi company and advise guests when the taxi has arrived to avoid excessive noise from car horns taxis shall be instructed only to pick up patrons from the Ashley Road exit after specified times
14. All conditions will be known by all members of the team.
15. Toughened glass will be used where possible and customers will not be permitted to take open or close alcohol off the premises.
16. Bottle and glass bin will be stored in a locked part of the premises which the public does not have access to.
17. ID will be required when purchasing alcohol.
18. All fire safety has been completed and signed off, the building is equipped with all necessary emergency lighting and 24/4 monitored alarm system.
19. The fire exits are checked continuously.
20. Adequate arrangements exist to enable the safe movement within the premises of disabled people and their safe evacuation in the event of an emergency.
21. No music / sound / speakers shall be permitted to any external part of the site.
22. No bottles to be emptied externally nor refuse collected after 20.00 hours or before 08.00 hours Monday to Saturdays or 09.30 hours on Sunday.
23. After 22.00 hours on weekdays (Sunday - Thursday) and after midnight on Fridays and Saturdays no patrons shall be allowed to exit the building

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via the main entrance on Westgate Road (exemption for disabled persons and those accompanying them).

24. The applicant shall submit for approval (such approval not to be unreasonably withheld) a noise management plan within the next 14 days.

LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

The Sub-Committee considered the Licensing Act 2003 and regulations, the Guidance and the Council's Licensing Policy and the application, together with the information provided by all parties at the hearing.

The Sub-Committee heard from the Licensing Officer who presented her report.

The Sub-Committee was satisfied that the statutory requirements regarding notices, advertisements and time limits had been complied with.

The Sub-Committee noted that the concerns raised by Environmental Health, a Ward Councillor and local residents were mainly on the grounds of public nuisance.

The Sub-Committee carefully considered the concerns raised by Environmental Health, a Ward Councillor and local residents and balanced those concerns with the interests of the applicant and the licensing objectives.

The Committee heard from the applicant who confirmed that they did not intend for the application to extend the hours for licensable activities from 11am, as on the current licence, to 9am. The applicant wished to make a change to the operating schedule for the opening hours of the premises to provide a breakfast service. The applicant confirmed the restaurant does not serve alcohol until 11am and has no intention of doing so.

The applicant agreed to remove the request for licensable activities to commence at 9am and was content with this remaining at 11am. The matters before the committee were for the change of the named DPS, the change of name of the premises and the change to the operating schedule for the opening hours.

The committee were satisfied to grant application, in line with the applicants' agreement to remove the request to extend licensable hours.

The committee acknowledged that the issues raised by the local residents were of concern however they were not sufficient enough to persuade the committee to refuse the application before them. The committee were of the view that concerns relating to planning permission were not appropriately relevant to the application before them. The residents were advised that the planning concerns were not for the remit of the licensing committee and should be dealt with by the planning authority.

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The Committee heard concerns from the residents' surrounding the noise from waste collections at the premises. The applicant agreed to narrow the conditions on the current licence to agree for waste removal to be conducted between the hours of 08:00am and 08:00pm Monday – Saturday and 09:30am – 20:00 on Sundays.

The Committee reaffirmed the conditions which are currently on the licence and, in agreement with the applicant and Environmental Health, asked the applicant to supply a copy of the noise management plan within 14 days of the hearing.

The Committee asked the applicant to engage with local residents on the issues they raised in line with the current conditions on the licence.

The meeting commenced at 6.35 pm and finished at 9.10 pm.