

## LICENSING SUB-COMMITTEE

24 MAY 2022

### PRESENT

Councillor D. Jarman (in the Chair).  
Councillors S. Thomas and M.P. Whetton

#### In attendance

L. Grimshaw            Lawyer,  
J. Pickup                Senior Licensing Officer,  
K. Armstrong          Licensing Officer,  
N. Owen                 Governance Officer.

### 13. APPLICATION FOR THE GRANT OF A FULL VARIATION TO A PREMISES LICENCE UNDER S34 LICENSING ACT 2003 AT VITO'S, 184 ASHLEY ROAD, HALE, WA15 9SF

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 Vito's, 184 Ashley Road, Hale, WA15 9SF which had attracted representations from a Ward Councillor and a local resident. All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Ms. F. Tulloch, Kuits Solicitors on behalf of Vito's and Mr. E. Dunne, Vito's and against the application by Councillor Mrs. Young, a Ward Councillor and Ms. F. Marshall, a local resident.

#### RESOLVED –

- 1) That the application by Ashley Foods Ltd, in respect of Vito's for the grant of a full variation to a premises licence for Vito's, 184 Ashley Road, Hale, WA15 9SF 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 S. Thomas  
Councillor M. Whetton

**Applicant:** Ashley Foods Ltd

**Type of Licence:** Grant of a full variation to a Premises Licence: Vito's, 184 Ashley Road, Hale

**Representors:** Ward Councillor  
Councillor Mrs. Young

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Local Resident  
Ms F Marshall

**Parties Present:** On behalf of Applicant – in attendance  
Ms E Tulloch – Kuits Solicitors  
Mr. E Dunne – Vito’s

Representors – in attendance  
Councillor Mrs. Young  
Ms F Marshall

Officers  
Lisa Grimshaw - Lawyer  
Katie Armstrong – Licensing Officer  
Jade Pickup – Senior Licensing Officer  
Natalie Owen – Governance Officer

**Date of Hearing:** 24 May 2022  
**Time Commence:** 6.30 p.m.  
**Time Terminated:** 7.52 p.m.

**LICENSING SUB-COMMITTEE DECISION**

The Sub-Committee decided that the representations received from a Ward Councillor and a local resident were valid representations as they related to public nuisance.

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

Alcohol – Off Sales  
Sunday – Saturday 12:00 – 23:00

Alcohol – On Sales  
Sunday - Saturday 12:00 – 00:00

Opening Hours  
Sunday – Saturday 12:00 – 00:30

**CONDITIONS**

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

1. The CCTV system will conform of the following points:

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- Camera's to be sited observing the entrance and exit doors both inside and outside.
  - Cameras on entrances will capture full frame shots of the heads and shoulder of all people entering the premises, in order to be capable of identification.
  - Cameras viewing till areas must capture frames consisting of at least 50% of the screen.
  - Cameras overlooking floor areas to be wide angles in order to give an overview of the premises.
  - Be capable of visually confirming the nature of any crime committed.
  - Provide a linked record of the date, time and place of any image.
  - Provide good quality images - colour during opening hours.
  - Operate under existing light levels within and outside the premises.
  - Have the recording device located in a secure area or locked cabinet.
  - Have a monitor to review images and recorded picture quality.
  - Be regularly maintained in order to ensure continuous quality image capture retention.
  - Have signage displayed in the customer area to advise that CCTV is in operation.
  - Digital images to be kept for 31 days.
  - Police will have access to images at any reasonable time.
  - The equipment must have a suitable export method, e.g CD/DVD writer so that the police can make an evidential copy of any date they require. This data will be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e Manufacturer proprietary) then the manufacturer should supply replay software to ensure that the video on the CD/DVD can be replayed by the police.
2. Health and Safety assessments and appropriate measures/remedies will be conducted.
  3. Appropriate fire safety procedures will be in place, including fire extinguishers, Foam, H2O, and C02, fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting as shown on the plan.
  4. The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined on a regular basis, by the

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carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fires Safety) Order 2005.

5. All appliances will be inspected annually.
6. All emergency exits to be kept free of obstruction at all times.
7. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
8. The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
9. Free drinking water will be made available at all times the premises is open to the public.
10. All customers will be asked to leave quietly.
11. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard for our neighbours.
12. Windows and doors will be kept closed in order to prevent noise causing unreasonable disturbance to the wider public.
13. Speakers will be kept inside the premises, playing at a low volume and not near openings such as doors / windows.
14. The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM forces or by an EU country, bearing the photographic and date of birth bearer.
15. All staff will be trained for underage sales prevention regularly.
16. A register of refused sales shall be kept and maintained on premises at all times.
17. Noise from music and associated sources (including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.
18. Doors and windows of the premises shall be closed for the duration that the premises are open (except for access/egress).
19. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).

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20. No Refuse shall be disposed of or collected from the premises between the hours of 19.00 hours and 08.00 hours Monday to Saturday and not at all on Sundays or Bank Holidays. No bottles are to be thrown in to bins during these hours.

21. No amplified music / sound / speakers shall be permitted to any external part of the site.

**ADDITIONAL CONDITIONS**

22. The Licensee shall provide a designated email address to be used by residents which shall be monitored regularly.

23. The front of the premises shall be swept on an evening or more frequently if required.

24. The passageway is to be kept neat and tidy at all times.

**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 heard from the applicant's representatives and from the local resident and Ward Councillor.

The Sub-Committee heard from the applicant and his Solicitor who offered further proposed conditions to satisfy the concerns of the representor. Further amendments to the sale of alcohol and opening hours were put forward to the Sub-Committee for consideration. The applicant also acknowledged concerns over the use of the passageway and back door of the premise. The applicant advised that instructions have been issued to staff to keep the back door closed unless access to the outside area is required. The applicant also stated that further conditions had been agreed with Environmental Health since the application was made and there were no representations submitted from the responsible authorities.

The Sub-Committee heard from a local resident and the ward Councillor who expressed concerns over the extended hours at the premises and the concern over an increase in anti-social behavior and noise being emitted from the premise and its customers. Concerns were also raised over the back door to the premises being left open and emitting noise/smells to the neighbouring residential

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properties. The Sub-Committee noted the concerns raised by the local resident and ward Councillor.

The Sub-Committee considered the submissions from all parties present and granted the variation to the premise licence with the amendments put forward by the Applicant at the hearing.

The meeting commenced at 6.30 pm and finished at 7.52 pm